



1997

# Illinois Register

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## Rules of Governmental Agencies

Volume 21, Issue 10 — March 07, 1997

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## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
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June 24, 1997	July 1, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

\* Monday

OFFICE OF THE COMPTROLLER  
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Comptroller Merit Employment Code

- 2) Code Citation: 80 Ill. Adm. Code 500

- 3) Section Numbers: Proposed Action:

Amended  
500.210 New  
500.225 Amended  
500.250 Amended  
500.280 Amended  
500.320 Amended  
500.330 Amended  
500.340 Amended

- 4) Statutory Authority: 15 ILCS 410

- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules authorize and limit the Comptroller's use of intermittent employees.

- 6) Will these proposed rule replace an emergency rule currently in effect?

No

- 7) Does this proposed rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule contain incorporations by reference? No

- 9) Are there any other proposed amendments pending in this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): These proposed rules do not affect units of local government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. Written comments may be submitted within 45 days after the publication of this notice to:

Keith J. Flanagan  
Office of the Comptroller  
201 State Capitol Building  
Springfield IL 62706-0001  
217/782-5328

A public hearing on the proposed rulemaking will be held in the meeting room of the Training and Technology Institute at 325 West Adams Street in Springfield at 1:00 P.M. on Friday, March 14, 1997.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: No small business will be

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affected by the rule.

- B) Reportorial, bookkeeping or other procedures required for compliance: Comptroller's Department of Human Resources will be required to implement timekeeping for intermittent employees.

- C) Types of professional skills necessary for compliance: No additional professional skills necessary for compliance.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The exact parameters of intermittent employee status (minimum number of hours worked, etc.) was not determined until recently.

The full text of the Proposed Amendments begins on the next page:

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## NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
 POSITION CLASSIFICATIONS  
 CHAPTER III: COMPTROLLER

## PART 500

## PERSONNEL RULES

## SUBPART A: DEFINITIONS

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 500.110  
 500.10

Definitions

## SUBPART B: CLASSIFICATION AND PAY

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 500.120

Position Classification  
 Pay Plan

## SUBPART C: MERIT AND FITNESS

Section  
 500.210  
 500.220

Application and Examination  
 Trainees

500.220  
 Internment

500.230  
 Continuous Service

500.240  
 Performance Review

500.250  
 Probationary Status

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 Promotions

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 Voluntary Reduction

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 Resignation and Reinstatement

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Leave of Absence

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Vacation

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Overtime

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 Time and Manner of Inspection  
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 Employee Roster Files  
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 Retroactivity

AUTHORITY: Implementing and authorized by the Comptroller Merit Employment Code [15 ILCS 410]

SOURCE: Emergency rule adopted at 3 Ill. Reg. 18, p. 228, effective April 25, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 37, p. 601, effective September 6, 1980; amended at 5 Ill. Reg. 890, effective January 9, 1981; modified at 7 Ill. Reg. 1867, amended at 17 Ill. Reg. 21366, effective December 1, 1993; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: MERIT AND FITNESS

## Section 500.210 Application and Examination

## a) Examination:

1) The Director shall conduct examinations to test the relative fitness of applicants for positions subject to Jurisdiction B of the Code. Examinations may include an evaluation of such factors as education, experience, training, capacity, knowledge, manual dexterity, character, and physical fitness. Tests shall be job related and may be written, oral, physical demonstration of skill, an evaluation of physical or manual fitness, or an evaluation of education and experience. Examinations shall consist of one or more tests of job-related knowledge. Where minimum examination requirements are established for an examination, they shall be specified in the examination announcement with respect to non-merit matters except as is necessary to meet the requirements of law or State policy.

2) Applicants shall not be questioned with respect to non-merit matters except as is necessary to meet the requirements of law or State policy.

3) In lieu of announcing or conducting examinations, the Director

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may accept the results of competitive examinations conducted by any established merit system subject to the Director's determination that such examinations are comparable in difficulty and comprehensiveness to those conducted by the Department of Personnel for similar positions.

b) Examinations -- Time and Place: Examinations shall be held at such times and places as are necessary to meet the requirements of the Office of the Comptroller, provide economical administration, and be generally convenient for applicants. The Director may cancel or postpone examinations at any time.

c) Veterans' Preference: Qualified persons who have passed an examination and who have been members of the armed forces of the United States, including the United States Armed Forces (as set forth in the United States Merit and Civil Service Code) and the United States were members of the armed forces of allies of the United States in time of hostilities with a foreign country, shall be granted preference in entrance examinations as follows:

1) Five points shall be added to the entrance grade for such nondisabled veteran eligibles.

2) Ten points shall be added to the entrance examination grade for such veteran eligibles currently receiving compensation from the United States Veterans' Administration or from such allied country for war service-connected disabilities.

3) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the nonveteran eligibles in the same category.

d) Public Notice of Examinations: The Director shall give public notice of all examinations and of the results of such examinations. Otherwise, notices of examinations shall be posted in a conspicuous place in each office of the agency and Department of Personnel. Announcements shall specify the day and manner in which an application for examination shall be made.

e) Notice to Eligibles: In the event a change in the classification or testing standards or other change requires the elimination of an eligible list for a class, or of certain previously qualified eligibles from such a list, the Director shall notify each person thus losing eligibility of such new or revised requirements as soon as practicable, and when the revised examination is repeated, shall again notify each person in order that each may be given an opportunity to reestablish eligibility.

f) Test Rating -- Notice and Review: The rating of each test shall be completed and the resulting list established as quickly as reasonably practicable. Each person competing in any test shall be given written notice of his/her final earned rating or of his/her failure to attain a place on the list.

g) Retaking or Regrading Examinations: The retaking or regrading of examinations will be permitted only in accordance with the following provisions:

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1) Retaking examinations --

A) No applicant shall be permitted to retake a test or tests included within an examination until thirty (30) days have elapsed. This limitation may, however, be waived when in the judgment of the Director the best interests of the State require such waiver.

B) No applicant may be permitted to retake a test included within an examination more than twenty (20) months after the original date of examination.

C) For purposes of ranking on eligible lists, the grades of applicants who retake a test or tests included within an examination shall be determined by using the latest passing scores attained by such applicants.

2) Regrading examinations --

A) At the request of an applicant who has completed an open competitive examination, the Director may regrade the examination taken by that applicant for placement on the eligible list for another class when the qualifications and examination standards for the new class are similar to those of the class for which tested.

B) When a candidate makes an application for subsequent examination for the same or a different title having one or more identical tests which had been taken within the preceding twelve (12) months, the Director may utilize the test or tests previously taken in lieu of requiring the candidate to repeat the applicable test or tests included within the examination.

h) Equal Opportunity: Applicants or employees shall not be discriminated against on the basis of race, religion, sex, marital status, national origin, political affiliation, or membership in, or activity in or on behalf of employee labor organizations, or any other non-merit factor. Applicants capable of performing the duties in the class shall not be discriminated against because of physical or mental handicap.

i) Removal of Examination Material From Premises: Any applicant or unauthorized employee of the Office of the Comptroller removing examination materials from the premises at which examinations are being administered or stored in any manner whatsoever, shall be subject to prosecution.

j) Admission to Examinations: Admission to competitive examinations shall be open to all persons who meet such requirements as have been established by the Director, and may be lawfully appointed to positions for which they are qualified. The Director may reject any applicant for admission to a test or decline to test or certify for employment any applicant who:

1) Subsequent to participating in the examination is found to lack the qualifications prescribed for admission to the test as announced in the public notice;

2) Is physically unfit to perform effectively the duties of the

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- class:
- 3) Has used, or attempted to use, bribery or political influence to secure an advantage in testing or appointment;
  - 4) Has made false statements of any material fact or has practiced deception or fraud in the application or test;
  - 5) Does not meet the United States Department of Justice Immigration and Naturalization Service regulations for permanent employment;
  - 6) Is found guilty of a violation of this Part or any of the provisions of the Merit Employment Code relating to participation in examinations.
  - k) **Residency Requirement:** Applicants who are not residents of the State of Illinois may be appointed only upon the waiver of residency requirements by the Director and only when there are fewer than three qualified persons for the position.
  - l) **Employment of Family Members:** Family member status shall constitute neither a deterrent nor an advantage to employment, provided that the individual fulfills all objective job-related qualifications, except for reasons of business necessity as established by the Office of the Comptroller.
  - m) **Linguistic Requirements:** The Director may establish linguistic options when he deems such options to be appropriate.
  - n) **Eligible Lists:** The Department shall establish and maintain lists of qualified applicants for positions covered by Jurisdiction B of the Code. Such applicants shall have successfully qualified through competitive examinations as provided in Section 500.210(a). The names of successful applicants shall be arranged in the order of their relative excellence whether by numerical grade or category grouping. The length of time an eligible's name may appear on the list shall be ascertained by the Commission on Public Administration. A separate eligible list will be maintained for each examination.
  - o) **Responsibilities of Eligibles:** It shall be the responsibility of each eligible to inform the Department in writing of any changes in address or availability for employment.
  - p) **Geographic Preference:** Applicants for employment shall specify one or more of the locations or areas in which they will accept employment from those choices made available at the time of the examination or which may be made available at a later date.
  - q) **Removal of Names From Eligible Lists:**
    - 1) The Director shall remove names from an eligible list for any of the following reasons:
      - A) Appointment of an eligible;
      - B) Death of an eligible;
      - C) Notice by postal authorities that they are unable to locate the eligible at his/her last known address;
      - D) Temporary inability to practice any deception or fraud in connection with the examination;
      - E) Evidence that the eligible lacks any of the qualifications required for the class for which he/she was erroneously

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- declared eligible;
- F) Request of an eligible to remove name.
  - 2) The Director may remove names from an eligible list for any of the following reasons. Eligibles shall be notified of such removal.
    - A) Failure of an eligible, upon referral, to reply or to report for interview;
    - B) After accepting employment, failure without good cause to report to work within the time prescribed by the employing department or the Department of Personnel;
    - C) Failure of an eligible, upon request, to furnish written evidence of availability for employment;
    - D) Specifying conditions of employment by an eligible which are not associated with the class for which eligible;
    - E) Refusal of an eligible to accept two separate offers of employment; eligible has been passed over two times after referral to the same department for the appointment of an eligible lower on the eligible list, and the department head concerned requests removal of the eligible from the list for good and sufficient cause;
    - G) Poor work history of eligible;
    - H) Former experience and history of eligible not compatible with duties and responsibilities of the class;
    - I) Physical inability of eligible to perform the duties and responsibilities of the class;
    - J) After eligible accepts promotion;
    - K) When a change in either classification or testing standards or other change requires such action;
    - L) Conviction of an eligible of a felony;
    - M) Addition of an eligible to narcotics or to alcohol.
  - 3) Replacement of Names on Eligible Lists: The Director may restore a name to the eligible list when such action is in the best interest of the Office of the Comptroller.
    - 1) Names of veterans returning from active military service of not more than four (4) years shall be restored to an eligible list for the same class if the request is made by the veteran within ninety--90 days after discharge or from hospitalization continuing after discharge for not more than one year. The eligible must provide evidence of satisfactory completion of training and service when making the request and be qualified to perform the current duties of the class.
    - 2) Names of employees who are laid off during their probationary period shall be returned to the eligible list for the class in which the layoff occurred.
    - 3) Names so restored shall be at the grade in effect when the removal from the list was made and may not remain on the list after that period of time which is equal to the unexpired time

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remaining of the original eligibility.

- a) Appointment From Eligible List: When an appointment to a position is made from an eligible list resulting from an open competitive examination, such appointment shall be made of the person standing among those who are available within the three highest grades, if such list is in order of examination grade, or from the highest ranking group, if such list is in category grouping, except as provided for under subsection Section-5(a)(4) of the Code.
- b) Appointment by Promotion: Subsection (4) of the Code provides that positions which are filled by promotion shall be filled in accordance with the following ways:
  - 1) By appointment of an applicant standing among the three highest on an eligible list which is numerically rated;
  - 2) By appointment of an applicant from the highest ranking group of eligibles from an eligible list which is not numerically rated;
  - 3) By persons employed as of by-present-employees-t August 23, 1978 who have passed examinations in accordance with the Personnel Code under the Governor of Illinois and who having passed the probationary period shall be continued in their positions without further examination;
  - 4) By persons employed as of by-present-employees-t August 23, 1978 who having been promoted in accordance with the rules under the Personnel Code, under the Governor of Illinois, shall be continued in their positions without further examination;
  - 5) By persons employed as of by-present-employees-t August 23, 1978 who having passed examinations in accordance with the Personnel Code under the Governor of the State of Illinois, but who have not completed the probationary period shall be continued in their positions and be given credit for such probationary time toward the completion of the probationary period provided by this Part;
  - 6) By all other present employees subject to Jurisdiction B who shall be continued in their positions providing that they have passed a qualifying examination within twelve-t 12 months after August 23, 1978;
  - 7) By persons employed as of present-employees-t August 23, 1978 or past employees who have rights or privileges arising under the Personnel Code [20 ILCS 15] title-nerv-stat-1989-Chapter 1999-Section 15-101-102 under the Governor of Illinois and who shall be continued in their positions without further examination;
  - 8) By an appointment to a position through promotion of an employee who is qualified pursuant to Section 500.260(a)(1);
  - 9) By emergency appointment for a period not in excess of ninety-t 90 calendar days to meet emergency situations. Emergency appointments may not be made without regard to eligible lists. Such appointments may not be renewed;
  - 10) By intermittent appointments from an eligible list to positions not to exceed 1200 hours per year (12 month periods), minimum of 600 hours, to meet the operation needs of a department in periods

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of increased workloads.

- 111-t By temporary appointments to positions which are temporary or seasonal in nature as determined by the Director. Such appointments shall not exceed six t6 months out of any twelve-t 12 month period;
  - 121-t By provisional appointments to positions without competitive examination. There is no appropriate eligible list. Provisional appointments may not exceed six t6 months out of any twelve-t 12 month period;
  - 131-t By the transfer of employees from one position to another if the qualifications, responsibilities, duties, and salary range are similar;
  - 141-t By reinstatement of persons who formerly held certified status under the Code, the Personnel Code of Illinois, the Secretary of State Merit Employment Code, or the University Civil Service System of Illinois. To be eligible for reinstatement, such persons shall have resigned while in good standing or shall have been laid off from employment within their respective merit systems;
  - 151-t By reemployment of an employee whose name appears upon a reemployment list; such reemployment may be made to positions in the merit system as to that salary range applicable to the position from which the employee was laid off; reemployment appointments shall be of qualified employees and shall be made after consideration of seniority and performance records;
  - 161-t By the appointment of trainees into training programs approved by the Director; such appointments may be made with or without examination of applicants; trainees do not acquire any rights under Jurisdiction B of the Code by virtue of trainee appointments;
  - 171-t By the reduction in rank or class of an employee, for cause, with the prior approval of the Director;
  - 181-t By the transfer of active, certified employees from the jurisdictions of the Personnel Code of Illinois, the Secretary of State Merit Employment Code, or the University Civil Service System. Persons so transferred shall retain the same status under the Code that which they held under their previous merit employment.
- u) Types of Status: The following types of appointments may be made by the Director:
- 1) Exempt:
    - A) For persons in positions not subject to Jurisdiction B. If an exempt employee's position becomes subject to Jurisdiction B by reason of extension of Jurisdiction B, pursuant to Section 10d of the Merit Employment Code [15 ILCS 410/10d], such employee shall establish eligibility for such position by passing satisfactorily a qualifying

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examination prescribed by the Director within six (6) months after the extension of Jurisdiction B to such position.

- B) In all other cases, if an exempt employee's position becomes subject to Jurisdiction B, such employee shall establish eligibility for such position within six (6) months by successfully competing in the open competitive examination and receiving a probationary appointment according to applicable rules.

- 2) Emergency: For persons selected to meet emergency situations. Such appointments shall not exceed ninety (90) days and not be renewed and any such appointments shall be reported to the Director. Of selections and terminations shall be reported to the Director.

- 3) Temporary: For persons in positions to perform temporary or seasonal work. No position shall be filled by temporary appointment for more than six (6) months out of any twelve (12) month period.

- 4) Interim: For persons in positions to perform intermittent work. No positions shall be filled by intermittent appointment for more than 1200 hours out of any 12 month period, a minimum of 600 hours.

- 5) Provisional: For persons in positions for which there are fewer than three available eligibles on the open competitive eligible list. No positions shall be filled by provisional appointment for more than six (6) months out of any twelve (12) month period. Such appointments shall not be renewed and any such appointments shall be reported to the Director. Of selections and terminations shall be reported to the Director. For persons in positions to perform intermittent work. No positions shall be filled by intermittent appointment for more than 1200 hours out of any 12 month period, a minimum of 600 hours.

- 6) Probationary: For persons appointed from an eligible list. For persons receiving a promotion and for persons being reinstated. If a probationary employee's position is declared exempt from Jurisdiction B, the balance of the probationary period shall be served after which certified status shall be attained.

- 7) Certified: For persons having successfully completed the required probationary period. If a certified employee's position is declared exempt from Jurisdiction B, certified status shall be retained in that position.

- 8) Trainee: For persons in positions pursuant to established training and apprenticeship programs.

- 9) Extension of Jurisdiction: For persons in positions to which Jurisdiction B is extended pursuant to Section 10d of the Merit Employment Code (ILCS 410/10d) shall be continued in such positions and shall attain certified status therein provided they pass a qualifying examination prescribed by the Director within six (6) months

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after such jurisdiction is extended and provided they satisfactorily complete their respective probationary periods.

- 2) Appropriate standards for probationary appointments shall be prepared by the Director and appointments of such employees shall be without regard to eligible lists and without regard to the provisions of the Code and this Part requiring the appointment of the person standing among the three highest on the appropriate eligible list to fill a vacancy or from the highest category ranking group if the list is by ranking instead of numerical rating. Such appointments shall provide the certification on such appointments as provided by this Part of any position held by any such incumbent.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 500.225 Intermittents

- a) Intermittent Positions: The Director shall, as required to fulfill the operating needs of a department, establish intermittent positions to perform work seasonal in nature or to help in periods of increased workloads. Intermittent positions shall not be established in place of permanent positions. Appointments shall be made to such positions in the same manner as appointments to permanent positions.

- b) Limitations on Intermittent Employees: An intermittent employee shall be limited to the following relationships to positions of permanent status, but shall otherwise be covered by the full benefits of Jurisdiction A, B and C:

- 1) An intermittent employee shall not be used as a replacement for a permanent employee, but may substitute for an absent employee.
- 2) An intermittent employee shall work a maximum of 1200 hours per year (12-month period), minimum of 600 hours. An effort shall be made to balance the hours worked among intermittents. An intermittent employee who works more than 1200 hours shall be reassigned in accordance with Section 500.110(a), (b), and (c) to a permanent full-time position. An intermittent employee offered work less than the minimum of 600 hours shall be considered suspended without cause and may grieve or appeal in accordance with the applicable rules regarding suspension.
- 3) The continuous service of an intermittent employee shall be computed on the basis of hours worked, each 7 hours being equivalent to one day.
- 4) An intermittent employee shall accrue sick and vacation leave on a prorated basis dependent upon the amount of time in pay status during a given month.
- 5) An intermittent employee shall receive full pay for an official holiday if scheduled to work that day of the week and if he or she works the last scheduled work day before the holiday and the

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first scheduled work day after the holiday.

5) An intermittent employee refusing to be scheduled three times in one calendar quarter shall be considered for discharge for failure to perform assigned duties. If given 21-hour notice of scheduling, unless proof of illness or death in the family is presented.

7) A semiannual review of the intermittent program shall be made by the Director of Human Resources to insure compliance with this Part.

(Source: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 500.250 Probationary Status

a) Probationary Period:

1) A probationary period of six (6) months (910 hours for intermittent employees) shall be served by:

A) an employee who enters service or commences a new period of continuous service;

B) an employee who is reinstated as provided under Section 500.290(a);

C) an employee who is appointed from an open competitive position, whether or not it is advertised, and is not advanced in rank or grade. Trainees whose positions are allocated upward may achieve probationary status pursuant to Section 500.220(c).

2) A probationary period of three (3) months (455 hours for intermittent employees) shall be served by an employee who is demoted or promoted except a demoted probationary employee shall not be required to serve a probationary period if the employee previously held certified status in the class to which demoted. A probationary employee transferred during the probationary period shall serve that portion of the probationary period which was not completed at the time of such transfer.

3) A probationary period shall not be deemed to be continued by the payment of any sum for vacation or other benefits accrued during such probationary period.

4) An employee shall not be promoted from more than fifteen (15) calendar days during the probationary period because of leave of absence, disciplinary suspension, sick leave, work-related injury, or industrial disease, such absence shall serve to extend the probationary period by the length of the absence.

b) Certified Status: A probationary employee shall attain certified status only after successful completion of a probationary period. Notice of certification will be sent to the employee and department head by the Director promptly thereafter.

c) Status Change in Probationary Period: An employee may not be

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promoted, demoted, discharged or transferred during the probationary period without the approval of the Director.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 500.280 Layoffs and Reemployment

a) Layoff Procedure:

1) A department head may request the layoff of an employee because of lack of funds, material change in duties or organization, or lack of work, or the abolition of a position for any of these reasons. Based on class, department, or other designation, layoffs shall be within organizational units justified by operations and approved prior to the layoffs by the Director.

2) A proposed layoff is subject to the approval of the Director before becoming effective and shall include the following in the organizational unit in which the layoff is proposed:

A) A list of all employees showing status and total continuous service;

B) A listing of those employees to be laid off;

C) Performance records of all employees in classes affected by layoff;

D) An explanation of any layoff not in order of continuous service;

E) An explanation of the organizational unit selected, reflecting department, facility, geographical, operational, and other elements deemed relevant by the department head.

b) Order of Layoff:

1) The following order shall be observed in making layoffs:

A) No certified or probationary employee may be laid off until all temporary, intermittent, emergency, provisional, and exempt employees in the same class and organizational unit are terminated;

B) No certified employee may be laid off until all probationary employees in the same class and organizational unit are terminated.

2) Within groups and accordance with the layoff plan submitted under subsection (a) of this Section 500.280(e), consideration shall be given to performance records and continuous service as defined in Section 500.230(a).

c) Effective Date of Layoff: Unless extraordinary operating conditions or events are specified in the proposed layoff plan, no layoff shall be effective until ten (10) days after the Director's approval of the layoff plan.

d) Disapproval: The Director may disapprove any layoff plan which results in a disproportionate impact on affected employees within the same race, sex, or religious group.

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## e) Reemployment Lists:

- 1) The department shall establish and maintain a reemployment list, by class, department, county, or other designated geographical area approved by the Director before layoff. A certified employee who has been laid off shall be placed in order of length of continuous service as defined in Section 500.230(a) on a reemployment list for recall. To the first available assignment to a position in the class of related classes shall be given priority. A layoffee shall be assigned to the first available position in the designated geographical location or area in which the employee was assigned prior to being placed on the reemployment list. Where circumstances warrant, at the discretion of the Director, such reemployment list may be established by related classes whose duties are substantially similar to the class from which the employee was laid off.

- 2) An employee whose name has been placed on the reemployment list will also be eligible for reinstatement in accordance with Section 500.230(b).

## f) Employment Recall Reemployment List: Whenever there is any person available on a reemployment list for recall to a vacant position for the same class, or related classes where such have been established pursuant to subsection (e) of this Section 500.230(e), department, county, or other designated geographical area, no temporary, provisional, or probationary appointment shall be made to such vacancy.

## g) Removal of Names From Reemployment List:

- 1) A laid off employee's name shall be removed from the reemployment list when:
  - A) The employee is recalled from layoff;
  - B) The employee refuses an offer of permanent reemployment;
  - C) The employee's name has remained on the reemployment list for twenty-four (24) months;
  - D) The employee has been reinstated in accordance with Section 500.230(b).

- 2) Offers of temporary, exempt, or emergency appointment shall not be considered as recall or reinstatement.

## h) Laid Off Probationary Employees:

- 1) The name of an original tentative employee who is terminated as a laid off employee before completion of the probationary period shall be returned to eligible list with the same grade as when appointed.
- 2) An employee serving a probationary period subsequent to promotion from a position in which the employee was certified who is to be laid off shall be given notice, and may request a voluntary reduction pursuant to Section 500.285(a) and (c). If no voluntary reduction is effected, the employee will be laid off and the employee's name placed in seniority order as provided in Section 500.230(a) on the reemployment list for the department,

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## work location, and title in which certified.

- 1) Reconsideration Request Laid Off Certified Employee:
  - i) Within fifteen--t 15t calendar days of receipt of notice of a certified employee's layoff and without prejudice to the right to request voluntary reduction, such employee may directly petition the Director of Personnel in writing for reconsideration of the decision approving the layoff.
  - 2) In the event a request for reconsideration is made, the Director shall designate a hearing officer to hear, review, and investigate the application of this Part and the validity of the decision approving the layoff. The hearing officer shall make a final determination. Notice of the final decision of the Director shall be served on the employee in person or by certified mail. A return receipt requested, to the employee's last address appearing in the personnel file.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 500.220 Leave of Absence

- a) Sick Leave: All employees, excepting those in emergency, intermittent, per diem, or temporary status unless such status is the result of accepting a non-permanent working assignment in another class, shall accumulate sick leave at the rate of one (1) day for each month's service. Intermittent employees shall accrue sick leave on a prorated basis. Sick leave may be used for illness, disability, or injury of the employee, appointments with doctor, dentist, or other professional medical practitioner and also may be used for not more than thirty--t 30t days in one (1) calendar year in the event of serious illness, disability, injury, or death of a member of the employee's family. Employees may designate any portion of leave to substantiate that such leave days were used for the purposes herein set forth.
- b) Accumulation of Sick Leave: Employees shall be allowed to carry over from year to year of continuous service any unused sick leave allowed under this Part and shall retain any unused sick leave accumulated prior to the effective date of this Part.
- c) Advancement of Sick Leave: An employee with more than two years continuous service whose personnel records warrant it may be advanced sick leave with pay for not more than ten (10) working days with the written approval of the department head and the Director of Personnel. Employees who are charged with accumulated sick leave in subsequent service, if an employee is terminated prior to repayment of advanced sick days, one day's pay for each day owed shall be retained by the agency or repaid by the employee.
- d) Leave for Personal Business:
  - 1) All employees, excepting those in emergency, per diem, or

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temporary status, shall be permitted twenty-one (21) hours (or the equivalent thereof, 7 1/2 working days) of leave for personal business each calendar year with pay. Intermittent employees shall receive leave for personal business on a prorated basis. Such personal days may be used for occurrences or observance of religious holidays, Christmas shopping, absence due to severe weather conditions, or for other similar personal reasons but shall not be used to extend a holiday or annual leave except as permitted in advance by the department head through prior written approval. Employees entitled to receive such leave who enter service during the year shall be given credit for such leave at the rate of three-and-one-half (3 1/2) hours (one-half (1/2) day) for each two (2) months service for the calendar year in which hired. Such personal leave may not be used in increments of less than one (1) hour at a time. Except for those emergency situations in which the department head determines that such leave should be scheduled sufficiently in advance to be consistent with operating needs of the employer.

2) Personal leave shall not accumulate from calendar year to calendar year.

e) On-The-Job Injury -- Industrial Disease: An employee who suffers an on-the-job injury or who contracts a service-connected disease shall be allowed full pay during the first calendar week of absence without utilization of any accumulated sick leave or other benefits. Thereafter, the employee shall be permitted to utilize accumulated sick leave. In the event such service-connected injury or illness becomes the subject of an award by the Industrial Commission, the employee shall restore to the State the dollar equivalent which duplicates payments received as sick leave days and the employee's dependent accounts with the State with the day equivalent of this amount. Without Pay: An employee who is absent from this position and with the prior approval of the Director, a department head may grant leaves of absence without pay to employees for periods not to exceed six (6) months, and such leaves may be extended for good cause by the department head for additional six (6) month periods with the Director's approval. No emergency or temporary employee shall be granted a leave of absence except as provided in subsection (e) above.

g) Leaves of Absence -- Special: The Director may grant special leaves of absence to employees for purposes of education, attendance at professional or union conventions, or for similar reasons wherein a benefit would accrue to the skills of the work force.

h) Leaves of Absence -- Special -- Salary: The Director shall determine for each special leave of absence that is approved, whether such leave shall be with or without pay, full or partial.

i) Maternity Absence: Leaves of absence to cover the period of pregnancy shall be granted pursuant to subsection (f) above. 1) Maternity shall be granted leaves of absence to cover the period of their pregnancy. The length of such leave shall not exceed six months but may be renewed pursuant to subsection (f) above.

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A) Pregnant employee shall inform her immediate supervisor and the Department of Personnel of her intention to bear children and shall present to the Department of Personnel a written statement signed by her physician stating the expected date of delivery.

B) A pregnant employee may continue in regular employment so long as her physician, upon request by the Director, states in writing she is able to perform her normal work assignments.

C) An employee who has been absent because of maternity leave may return to employment as soon as her physician advises the Department of Personnel in writing that she is then able to perform her normal work assignments.

D) If the department head or Personnel Director has reason to believe that the employee is unable to perform her duties, he/she may seek and rely upon the decision of an impartial physician to determine if the employee is able to perform her duties. The absence of agreement of an impartial physician, the Director will select a physician who is to act as an impartial physician.

2) Sick leave may be used to cover periods of absence during pregnancy and convalescence thereafter.

j) Leave to Take Exempt Position: The Director may approve leaves of absence for certified employees who accept appointment in a position which is exempt from Jurisdiction B of the Merit Employment Code. Such leaves of absence may be for a period of one (1) year or less and may be extended for additional one (1) year periods. At the expiration thereof, an employee shall be restored to the same or similar position upon making application to the department with continuous service including the period of such leave.

k) Military Job Corps and Reserve Training: Employees of the Illinois State Police, Illinois National Guard, the Peace Corps, or the Illinois Department of Corrections shall be granted leave for military job corps or reserve training service, the Peace Corps, or Job Corps as provided in Section 500.230(d) and (f) and as may be required by law.

l) Leave For Annual Military Reserve Training or Special Duty:

1) An employee who is a member of a reserve component of the Armed Services, the Illinois National Guard, or the Illinois Naval Militia shall be allowed leave with pay not to exceed one (1) full pay period annually without loss of any other accrued benefit.

2) If time required on any of the types of military service covered by this Part exceeds one (1) full pay period in any one fiscal year, the employee shall be granted additional leave without pay by the employing department provided, however, that during periods of active service to meet emergencies as proclaimed by the governor, the employee shall be granted a leave of absence without pay. Upon receiving the sum paid for such service under the

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Illinois Military Code, the employee shall submit the warrant, or its equivalent, to the department to be returned to the fund in the State Treasury from which the original agency payroll warrant was drawn. In the event the military pay is greater than the State compensation for the period of emergency call-up, the employee shall retain the military pay and return to the department the amount the agency paid the employee for the period.

- 3) The employee shall provide the department with certification by the commanding officer of the employee's unit that all leave time was used for the purpose for which granted.

- m) Leave For Military Physical Examinations: Any employee drafted into military service shall be allowed up to three (3) days leave with pay to take a physical examination required by such draft. Upon request, the employee must provide the department with certification by a responsible authority that the period of leave was actually used for such purpose.

- n) Leave of Absence -- Election to Public Office: Employees who are elected to public office shall, upon request, be granted a leave of absence without pay for so long as he/she remains an elected public officer. Employees shall be returned to their original or comparable position from which he/she was on leave providing he/she is not within thirty (30) calendar days following termination of his/her elected office.

- o) Employee Rights After Leave: When an employee returns from a leave of absence of six (6) months or less, the department shall return the employee to the same or similar position in the same class in which the employee was incumbent prior to the commencement of such leave. Except for those leaves granted under subsections Section-504-300 (j) and (k) of this Section, when an employee returns from a leave or leaves exceeding six (6) months and there is no vacant position available to him/her in the same class in which the employee was incumbent prior to his leave commencing, the employee may be laid off without consideration of seniority. If the employee is laid off, the employee's name shall be placed on the unemployment list.

- p) Failure to Return: Failure to return from leave within five (5) days after the expiration date may be cause for discharge.

- q) Attendance in Court: Any permanent employee called for jury duty or subpoenaed by any legislative, judicial, or administrative tribunal, shall be allowed time away from work with pay for such purposes. Upon receiving the sum paid for jury service or witness fee, the employee shall submit the warrant, or its equivalent, to the department to be returned to the fund in the State Treasury from which the original payroll warrant was drawn. Provided, however, an employee may elect such cash or subpoena on accrued time off and personal leave and retain the full amount of the sum paid for jury service or temporary employees shall be allowed time off without pay for such purpose and shall be allowed to retain the reimbursement received

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therefor.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 500.330 Holidays

- a) Authorized Holidays: All employees shall have time off, with full salary payment, on the following holidays:

New Year's Day  
Martin Luther King Day  
Lincoln's Birthday  
Washington's Birthday  
Memorial Day  
Independence Day  
Labor Day

Columbus Day  
Veterans' Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas

General Election Day (on which members of the House of Representatives are elected)  
and any additional days proclaimed as holidays or non-working days by the Comptroller of the State of Illinois or by the President of the United States.

- b) Holiday Observance: Where employees are scheduled and required to work on a holiday, equivalent time off will be granted within the following twelve month period at a time convenient to the employee and consistent with the department's operating needs.

- c) Holiday During Vacation: When a holiday falls on an employee's regularly scheduled work day during the employee's vacation period, an employee shall be added to the employee's vacation leave. An employee shall be eligible for holiday pay on his/her birthday holiday pay, the employee shall work the employee's last scheduled work day before the holiday and first scheduled work day after the holiday unless absence on either or both of these work days is for good cause and approved by the department head. Intermittent employees are eligible for holiday pay under conditions stated in Section 500.225(b)(5).

- e) Holidays -- Regional or Special: The Comptroller or the Director may grant employees full or partial days off with pay to meet the unique needs of any region or area within the State. Such special time off shall not accrue to any other employee in any other region or area of the State.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 500.340 Vacation

- a) Eligibility: Employees, except emergency, temporary, and those paid pursuant to Part II, Section 3, of the Pay Plan, shall earn vacation time. No employee on leave of absence may earn vacation except when the leave was for the purpose of accepting a temporary working assignment in another class.
- b) On and after July 1, 1979: Eligible employees shall earn vacation time in accordance with the following schedule:
- 1) From the date of hire until the completion of five (5) years of continuous service: ten--(10) working days per year of continuous service.
  - 2) From the completion of five (5) years of continuous service until the completion of nine (9) years of continuous service: fifteen (15) workdays per year of employment.
  - 3) From the completion of nine (9) years of continuous service until the completion of fourteen (14) years of continuous service: seventeen (17) workdays per year of employment.
  - 4) From the completion of fourteen (14) years of continuous service until the completion of nineteen (19) years of continuous service: twenty (20) workdays per year of employment.
  - 5) From the completion of nineteen (19) years of continuous service until the completion of twenty-five (25) years of continuous service: twenty-two (22) workdays per year of employment.
  - 6) From the completion of twenty-five (25) years of continuous service: twenty-three (23) workdays per year of employment.
- c) Vacation time shall be earned on a pro-rated basis. If an employee 1/27 day at a time any time after it is earned provided the employee has at least six (6) months of continuous service since latest date of hire. Vacation time shall not be accumulated for more than twenty-four (24) months after the end of the calendar year in which it is earned.
- d) Pro-rated vacation time for intermittent employees: Intermittent employees shall earn vacation in accordance with the schedule set forth in subsection (b) of this Section on a pro-rated basis.
- e) Computation of vacation time of State employees who have interrupted continuous State service shall be determined as though all previous State service which qualified for earning of vacation benefits is continuous with present service.

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1) Heading of the Part: Long-Term Care Partnership Insurance

2) Code Citation: 50 Ill. Adm. Code 2018

3) Section Numbers: Proposed Action:

2018.30 Amendment  
2018.40 Amendment  
2018.50 Amendment  
2018.90 New Section  
2018.EXHIBIT C New Section  
2018.EXHIBIT D New Section

4) Statutory Authority: Implementing the Partnership for Long-Term Care Act and authorized by Section 45 of that Act [320 ILCS 35].

5) A Complete Description of the Subjects and Issues Involved: The Department is amending this Part to incorporate recent statutory changes found in P.A. 89-525, effective July 19, 1996. The definition of "Asset Protection" found in Section 2018.30 is being amended to allow an individual who purchases and has received all of the qualifying insurance benefits under that long-term care partnership policy to receive total asset protection in an amount equal to the average cost of four years of long-term care services.

The Department is also adding a new policy definition to Section 2018.40 which will allow premiums paid on policies purchased after the effective date of these proposed amendments to be tax deductible when they meet the standards found in Section 7702B of the Internal Revenue Code of 1986 (26 USC 7702B) incorporated herein by reference, in part.

6) Will this proposed amendment replace emergency rule currently in effect? No

7) Does this amendment contain an automatic renewal date? No

8) Does this proposed amendment contain incorporations by reference? Yes. Please see Section 2018.40.

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed amendment will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the

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publication of this Notice to:

Denise Hamilton  
Rules Unit Supervisor  
Department of Insurance  
300 North Dearborn  
Springfield, IL 62767  
217/795-8560

Re: B1-2001  
Staff Attorney  
Department of Insurance  
300 North Dearborn  
Springfield, IL 62767  
217/795-8560

12) Initial Regulatory Flexibility Analysis: The Department has determined that these proposed amendments will not affect small businesses.

13) Regulatory Agenda on which this Amendment was summarized: July 1996

The full text of the Proposed Amendment begins on the next page.

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TITLE 50: INSURANCE  
CHAPTER 1: DEPARTMENT OF INSURANCE  
SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE  
PART 2018  
LONG-TERM CARE PARTNERSHIP INSURANCE

Section	Purpose
2018.10	Applicability and Scope
2018.20	Definitions
2018.30	Policy Definitions
2018.40	Policy Practices and Provisions
2018.50	Unintentional Lapse
2018.60	Required Disclosure Provisions
2018.70	Standards for Marketing
2018.80	Minimum Benefit Standards for Qualifying Policies and Certificates
2018.90	Right of Appeal
2018.100	Required Policy and Certificate Provisions
2018.110	Reporting Requirements
2018.120	Maintaining Auditing Information
2018.130	Reporting on Asset Protection
2018.140	Preparing a Service Summary
2018.150	Plan of Action
2018.160	Auditing and Correcting Deficiencies in Insurer Recordkeeping
2018.170	Loss Ratio
2018.180	Appropriateness of Recommended Purchase
2018.190	Prohibition Against Pre-Existing Conditions and Probationary Periods
2018.200	In Replacement Policies or Certificates
2018.210	Standard Format Outline of Coverage Requirements
2018.220	Requirement to Deliver Shopper's Guide
2018.230	Femalities
EXHIBIT A	Class of Insurance - Accident/Health
EXHIBIT B	Standard Format - Outline of Coverage
EXHIBIT C	Disclosure Statements
EXHIBIT D	Long-Term Care Partnership Insurance Suitability Letter

AUTHORITY: Implementing the Partnership for Long-Term Care Act and authorized by Section 45 of that Act [320 ILCS 35].

SOURCE: Adopted at 18 Ill. Reg 12746, effective August 9, 1994; amended at 19 Ill. Reg. 14809, effective October 6, 1995; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 2018.30 Definitions

Accelerated Life Product means a life insurance policy or contract

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which contains benefits providing for the acceleration of life or endowment or annuity benefits in advance of the time they would otherwise be payable as an indemnity for long-term care which is certified or ordered by a physician.

Applicant means, in the case of an individual long-term care partnership policy, the person who seeks to contract for benefits; in the case of a group long-term care insurance policy, the proposed certificateholder.

Asset-Disregard--when-determining-eligibility-for-the-Medicaid program--means--the-total-equity-value-of-personal-property-asset and-resources-not-exempt-under-Medicaid-regulations-equal-to--the-sum of--qualifying--insurance--benefit--payments--made--on-behalf--of-the qualified-insured-for-Medicaid-eligibility-long-term-care-services

Asset Protection means the right extended to persons purchasing long-term care partnership policies to retain amounts of assets equal to the value of qualifying insurance policies made on their behalf in the long-term care partnership policy. An individual may purchase a certified long-term care partnership insurance policy which protects an individual's total assets. To be eligible for total asset protection, an amount equal to the average cost of four years of long-term care services in a nursing facility must be purchased. Although a resource has been protected by the long-term care partnership insurance policy, income is to be applied to the cost of care when the insured becomes Medicaid eligible. This protection is extended to the insured during his/her lifetime.

Average Daily Private Pay Rate means the statewide average daily rate charged by nursing facilities for persons not qualifying for federal or State reimbursement, established annually by the Illinois Department of Public Health on a calendar year basis.

Case Management means the assessment of need for services, the development and/or revision of a plan of care to meet these needs, implementation and management of the Plan of Care, and monitoring of services delivered pursuant to the Plan of Care.

Case Management Agency means an agency or other entity designated and approved by the Department on Aging and/or the Department of Rehabilitation Services to serve as a Case Coordination Unit (CCU) (89 Ill. Code 240.260 and 716.200), and which meets criteria established by the insurer. If an agency or entity is not selected by insurers to provide case management service, another CCU shall be selected. If two or more approved agencies offer case management services in the insured's area of residence, the insured may select any of the Case Management agencies.

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Certificate means any certificate issued under a group long-term care partnership policy, which policy has been delivered or issued for delivery in this State.

Cognitive Impairment means confusion or disorientation resulting from a deterioration, limitation and/or loss of functional capacity that is not related to or a result of mental illness but which can result from Alzheimer's disease or related disorders. This impairment is established through use of the Determination of Need. (Refer to 89 Ill. Adm. Code 240.715 and 685.500.)

Department on Aging (hereafter DoA) means the Illinois Department on Aging.

Department of Insurance (hereafter DOI) means the Illinois Department of Insurance.

Department of Public Aid (hereafter DPA) means the Illinois Department of Public Aid.

Department of Public Health (hereafter DPH) means the Illinois Department of Public Health.

Department of Rehabilitation Services (hereafter DORS) means the Illinois Department of Rehabilitation Services.

Director means the Director of Insurance.

Eligible Population means persons over the age of 18 years shall be eligible to purchase long-term care partnership policies. Individual insurance carriers may direct policies to all, or a selected subset of this population.

Estate Recovery means that the State of Illinois will have the right to recover from the insured's estate the equivalent dollar amount of Medicaid costs incurred by the State on the insured's behalf after the long-term care partnership policy benefits were exhausted.

Group Long-Term Care Partnership Policy means a long-term care partnership policy which is delivered or issued for delivery in this State to one of the following:

One or more employers or labor organizations, or a trust or the trustee(s) of a fund established by one or more employers or labor organizations, or a combination thereof, for employees or former employees or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations;

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Any professional, trade or occupational association for its members or former or retired members, or combination thereof, if such association:

is composed of individuals all of whom are or were actively engaged in the same profession, trade or occupation; and has been maintained in good faith for purposes other than obtaining insurance; or

An association or a trust or the trustee(s) of a fund established, created or maintained for the benefit of members of one or more associations. Prior to advertising, marketing or offering such policy within this State, the association or associations shall file evidence with the Director that the association or associations have at the outset a minimum of 100 members and have been organized and maintained in good faith for purposes other than obtaining insurance; have been in active existence for at least one year; and have a constitution and by-laws which provide that:

the association or associations hold regular meetings not less than annually to further the purposes of the members; and

except for credit unions, the association or associations collect dues or solicit contributions from members; and the members have voting privileges and representation on the governing board and committees.

Thirty days from receipt by the DOI of such filing, the association or associations will be deemed to satisfy such organizational requirements, unless the Director makes a finding that the association or associations do not satisfy those organizational requirements of this Section.

A group other than those described above shall otherwise be subject to a finding by the Director that:

• The issuance of the group policy is not contrary to the best interest of the public;

The issuance of the group policy would result in economies of acquisition or administration; and

The benefits are reasonable in relation to the premiums charged;

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The standards to be used by the Director for determining whether a group is eligible shall include, but not be limited to: the policy shall not contain broad or misleading exclusions; premiums for group policies are less than premiums for individual policies; and the loss ratio complies with Illinois requirements.

Health Care Practitioner means:

A chiropractor licensed under the Medical Practice Act of 1987 [225 ILCS 60] to treat human ailments without the use of drugs and without operative surgery.

A dentist licensed under the Illinois Dental Practice Act [225 ILCS 25].

A nurse licensed under the Illinois Nursing Act of 1987 [225 ILCS 85].

An occupational therapist licensed under the Illinois Occupational Therapy Practice Act [225 ILCS 75].

An optometrist licensed under the Illinois Optometric Practice Act of 1987 [225 ILCS 80].

A pharmacist licensed under the Pharmacy Practice Act of 1987 [225 ILCS 85].

A physical therapist licensed under the Illinois Physical Therapy Act [225 ILCS 90].

A physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine in all of its branches.

A podiatrist licensed under the Podiatric Medical Practice Act of 1987 [225 ILCS 15].

A psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15].

A social worker licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

A speech-language pathologist and/or audiologist licensed under the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].

Other Health Care Practitioners licensed by the Illinois Department of Professional Regulation.

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A supplier of health care services not described herein, including but not limited to a physician assistant, nurse's aide, or supplier of durable medical equipment.

Insured Event means, for the purposes of determining eligibility for benefits under a qualified policy certificate and for determining whether these benefits result in an asset disregard for a qualified insured, the insured shall score fifteen or more points on Part A of the Determination of Need (DON), at least ten of which may be earned on the Mini-Mental State Exam (MMSE). (Refer to 89 Ill. Adm. Code 240.715 and 685.500.)

Insurer means an insurance company, fraternal benefit society, nonprofit health, hospital, or medical service organization, prepaid health plan, health maintenance organization or any similar organization which has delivered or issued for delivery in this State a long-term care partnership policy or certificate.

Long-Term Care Partnership Insurance Policy means any long-term care policy approved as a Partnership Policy by the Department and issued for delivery in this State, the terms and conditions of which are provided, within the terms and conditions of the policy contract or certificate, benefits on an expense-incurred or prepaid basis necessary care as a result of limited functional capacity in a setting other than an acute care hospital, for at least one (1) year from the date of claim after a considerable elimination period.

Medicaid Eligible Long-Term Care Services include the following:

Long-term care services available under Illinois' State state Medicaid plan.

Long-term care services covered under the Medicaid home and community based services waivers for the aged and the disabled and persons with HIV/AIDS.

Other alternate services which are deemed by DPA as essential to prevent institutionalization and offered by licensed or approved providers.

Medicaid Waiver means the home and community based service waivers for the aged and disabled approved by the United States Department of Health and Human Services Health Care Financing Administration under the provisions of Section 1915(c) of the Social Security Act, which allows Illinois to provide certain community and in-home services not covered in the State state Medicaid plan that are instrumental in the avoidance or delay of institutionalization. These services include:

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Personal Assistant (PA);

Adult Day Care;

Homesaker;

Maintenance Home Health;

Electronic Home Response Services (EHRS);

Assistive Equipment;

Remodeling;

Respite;

Other home and community based services designed to prevent institutionalization.

Minimum Daily Benefit means the minimum purchase to be offered must be in an amount equivalent to 75% of the average daily private pay rate at the time the policy or certificate is issued.

Policyholder or Certificateholder means a policyholder or certificateholder of a long-term care partnership policy or certificate.

Pre-admission Screening means the program which requires that each person seeking admission to a nursing facility be screened and approved for admission by DOA or DOHS or be ineligible for Medicaid reimbursement for a period of 60 days after admission. (Refer to 89 Ill. Adm. Code 240.1010 and 690.100.)

Producer means an insurance producer licensed by DOI who solicits, negotiates, effects, procures, renews, continues or binds policies of insurance covering property or risks in this State.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2018.40 Policy Definitions

No insurance policy or certificate may be advertised, solicited, delivered or issued for delivery in this State as a long-term care partnership policy unless the policy or certificate contains definitions or terms which are not more restrictive than the requirements of this Section.

"Acute Condition" shall be defined as a condition that causes the

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individual to be medically unstable. Such individual requires frequent monitoring by medical professionals, such as physicians and registered nurses, in order to maintain his or her health status.

"Adult Day Care" shall be defined as the direct care and supervision of individuals in a community-based setting for the purpose of providing personal attention and promoting social, physical and emotional well-being in a structured setting. Specific components of adult day care service include the following:

Providing and/or arranging of transportation;

Development of a written individualized adult day care Plan of Care; provision of nursing services (e.g., evaluation of the client's needs, routine health monitoring and supervision/administration of medication(s));

Assistance as needed with activities of daily living (e.g., walking, eating, toileting and personal care);

A daily meal meeting one-third of the adult recommended daily dietary allowance with provision for a special diet as directed by the client's physician and supplementary snacks; and

An activity program which includes reality orientation (awareness of time, space, objects and persons), resocialization and stimulation (encourage interaction with others) and supportive counseling (active listening, attention to a client's specific needs and guidance to promote interaction with others).

"Assistive Equipment" shall be defined as tangible personal property with a useful life of at least one year, expressly designed and used for increasing independent functioning in specific tasks or activities of independent living in the home (e.g., bathing, meal preparation) that directly results in a demonstrated decrease in need for assistance from another individual in performing those tasks or activities (e.g., purchase of bath rails could decrease need for an individual to assist the client with bathing, or purchase of a microwave could reduce the need for an individual to cook for the client).

"Authorized Designee" shall be defined as any person designated in writing to incur costs for policyholder's policy, or certificateholder, of a qualified long-term care partnership policy or certificate for purposes of notification under Section 2018.60 of this Part.

"Chronically Ill Individual" - For all long-term care partnership

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policies that are marketed as "qualified" pursuant to the Internal Revenue Code of 1986 (26 USC 7702B), "(t)he term 'chronically ill individual' means any individual who has been certified by a licensed health care practitioner as—

being unable to perform without substantial assistance from another individual at least 2 activities of daily living for a period of at least 90 days due to a loss of functional capacity,

having a level of disability similar (as determined under regulations prescribed by the Secretary in consultation with the Secretary of Health and Human Services) to the level of disability described in the preceding paragraph, "or

requiring substantial supervision to protect such individual from threats to health and safety due to severe cognitive impairment.

Such term shall not include any individual otherwise meeting the requirements of the preceding sentence unless within the preceding 12-month period a licensed health care practitioner has certified that such individual meets such requirements." (26 USC 7702B)

"Electronic Home Response Services" (EHRS) shall be defined as services designed to provide a 24 hour per day emergency communication link to assistance outside the home for individuals so severely disabled that they are incapable of using conventional or modified communication devices such as the telephone, and who have no other persons available in the home should an emergency arise. EHRS provides a mode by which persons with disabilities who are left alone in the home can obtain assistance from a designated Emergency Response Center. The Electronic Home Response Center is part of a network of emergency responders.

"Elimination Amount" shall be defined as benefits that begin after the insured has accrued qualified long-term care partnership coverage expenses equal to 30, 60, or 90 days of policy benefits.

"Home Health Services" shall be defined as services which may be purchased for individuals at home or other non-institutional residences according to a plan of treatment for illness or infirmity prescribed or recommended by a physician or other health care professional. Home Health Services include three basic subcategories of care:

nursing care including that provided by registered and licensed practical nurses who provide direct acute health care and who also supervise the services of home health aides;

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therapy including the services of physical, occupational, and speech therapists; and

home health aide care which includes a wide range of personal convalescent and maintenance health care tasks performed by home health aides under the supervision of nurses.

"Homemaker Service" shall be defined as non-medical support provided by trained and professionally supervised homemakers to maintain, strengthen and safeguard the functioning of individuals in their own homes in accordance with Section 2018.40 of this Part, the authorized Plan of Care. Specific components of homemaker service include the following:

Teaching and/or performing of meal planning and preparation; routine housekeeping skills/tasks (e.g., making and changing beds, dusting, washing dishes, vacuuming, cleaning and waxing floors, keeping the kitchen and bathroom clean and laundering the client's linens and clothing); shopping skills/tasks; and home maintenance and repairs;

Performing and/or assisting with essential shopping and/or errands may include handling the client's money (proper accounting to the client of money handled and provision of receipts are required) as required by the Plan of Care;

Assisting with self-administered medication which shall be limited to:

reminding the client to take his/her medications;

reading instructions for utilization;

uncapping medication containers; and

providing the proper liquid and utensil with which to take medications;

Assisting with following a written special diet plan and reinforcement of diet maintenance (can only be provided under the direction of a physician and as required by the Plan of Care);

Observing client's functioning and reporting to the appropriate supervisory personnel;

Performing and/or assisting with personal care tasks (e.g.,

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shaving, hair shampooing and combing, bathing and sponge bath, shower bath or tub bath, dressing, brushing and cleaning teeth or dentures and preparation of appropriate supplies, transferring client, and assisting client with range of motion);

Escorting the client to medical facilities, errands, shopping and individual business as specified in the Plan of Care; and

Transportation may be included, to medical facilities, for essential errands/shopping or for essential client business with or in behalf of the client, as specified in the Plan of Care.

"Maintenance Home Health" shall be defined as medically-related services provided in the home in accordance with an ongoing plan of treatment prescribed by a physician. Maintenance home health will be provided for long-term, maintenance health care of when shift nursing is necessary. Specific components of maintenance home health are the following:

Nursing services:

Physical, respiratory, or speech therapy;

The medical/health care services provided by a home health aide.

"Medicare" shall be defined as a program authorized by "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965", as then constituted or later amended (42 USC 1395 et seq.), including the "Medicare Catastrophic Coverage Act of 1988."

"Plan of Care" shall be defined as the specific type and frequency of all services required to maintain the individual in the community, the service providers, and the state of services. The Plan of Care shall be specified in writing by a State designated case management agency.

"Personal Care" shall be defined as the provision of hands-on services to assist an individual with activities of daily living, such as bathing, eating, dressing, transferring and toileting.

"Personal Assistant (PA) Services" shall be defined as those services performed under the supervision of the client or other person who has agreed to provide such supervision. The PA may:

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perform, or assist the client with, household tasks and personal care;

perform incidental health care tasks which do not require independent judgment, with permission of the client's physician, client or family; and/or

perform minimal tasks, such as turning a client in bed during the night or getting the client a glass of water, but primarily involves health to provide assistance in case of a life or health threatening emergency, such as evacuation in case of fire, moving the client to a safe location in case of tornado, or calling an ambulance if required by a medical emergency.

"Remodeling" shall be defined as modification of a home environment to enable insureds to be less dependent on direct assistance from others, to help compensate for their loss of agility, strength, mobility or sensation, and to increase their safety or mobility in the home.

"Respite Service" shall be defined as temporary care for insureds aimed at relieving stress for clients' families. Respite Service shall be provided for vacation, rest, errands, family crisis or emergency. Respite Service includes Personal Assistant (PA), Homemaker, Adult Day Care, and Maintenance Home Health (Individual delivered services in the insured's home). Respite Service includes a single type of care or a combination of services (e.g., Personal Assistant or Personal Assistant and Homemaker, Personal Assistant and Adult Day Care, Maintenance Home Health and Personal Assistant) based on the client's need.

"Service Summary" shall be defined as a written summary prepared by an insurer for an individual policyholder which identifies the specific preferrified policy, the total benefits paid for services rendered to date and the amount qualifying for asset protection.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2018.50 Policy Practices and Provisions

- a) Limitations and Exclusions. No policy may be delivered or issued for delivery in this State as a long-term care partnership insurance policy if the policy limits or excludes coverage by type of illness, treatment, medical condition or disease, except as follows:
- 1) Preexisting conditions or diseases;

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- 2) Mental or nervous disorders, other than Alzheimer's Disease or related disorders;
- 3) Alcoholism and drug addiction;
- 4) Illness, treatment or medical condition arising out of:

- A) war or act of war (whether declared or undeclared);
- B) conviction of a felony, riot or insurrection;
- C) service in the armed forces or units auxiliary thereto;
- D) self-inflicted injury; or
- E) aviation (this exclusion applies only to nonfare paying passengers);

- 5) Treatment provided in a government facility (unless otherwise required by law), services for which benefits are available under Medicare or other governmental program (except Medicaid), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law, services provided by the spouse of a covered person and services which no charge is made for the treatment/revision of the Plan of Care shall be provided without a reduction of policy benefits. Case management agencies shall be reimbursed by the State for the administration of the Determination of Need. The insurer shall reimburse the agencies for the development of the Plan of Care and any additional required policy-specific activities related to the determination of eligibility for benefits, as well as any subsequent revisions, as a result of changes in need. If the insured elects to have the case management agency perform service monitoring and Plan of Care implementation and management, the costs of these services shall be the responsibility of the insured. Benefits, including benefits towards asset disregard, benefit, reimbursed as a claim, and count

- a) Case Management Agency. Assessment of need and the development/revision of the Plan of Care shall be provided without a reduction of policy benefits. Case management agencies shall be reimbursed by the State for the administration of the Determination of Need. The insurer shall reimburse the agencies for the development of the Plan of Care and any additional required policy-specific activities related to the determination of eligibility for benefits, as well as any subsequent revisions, as a result of changes in need. If the insured elects to have the case management agency perform service monitoring and Plan of Care implementation and management, the costs of these services shall be the responsibility of the insured. Benefits, including benefits towards asset disregard, benefit, reimbursed as a claim, and count

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- B) A basis for conversion of coverage means a policy provision that an individual whose coverage under the group policy would otherwise terminate or has been terminated for any reason, including discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy (and any group policy which it replaced), for at least 6 months immediately prior to termination, shall be entitled to the issuance of a converted policy by the insurer under whose insurance the individual is covered, without evidence of insurability.
- 2) Converted policy means an individual long-term care partnership policy providing benefits identical to or substantially equivalent to or in excess of those provided under the group policy from which conversion is made.
- 3) Written application for the converted policy shall be made and the first premium due, if any, shall be paid as directed by the insurer not later than 31 days after termination of coverage under the group policy. The converted policy shall be issued effective on the day following the termination of coverage under the group policy and shall be guaranteed renewable.
- 4) Unless the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy from which conversion is made. Where the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy replaced.
- 5) Continuation of coverage or issuance of a converted policy shall be mandatory, except where:
- Termination of group coverage resulted from an individual's failure to make any required payment of premium or contribution when due; or
  - The terminating coverage is replaced not later than 31 days after termination, by group coverage effective on the day following the termination of coverage.
- 6) Covering benefits identical to or substantially equivalent to those provided by the terminating coverage, in addition to those provided by the terminating coverage, and
- The premium for which is calculated in a manner consistent with the requirements of subsection (d)(4) of this Section.
- 6) Notwithstanding any other provision of this subsection, any insured individual whose eligibility for group long-term care partnership coverage is based upon his or her relationship to

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- another person shall be entitled to continuation of coverage under the group policy upon termination of the qualifying relationship by death or dissolution of marriage.
- e) Discontinuance and Replacement.
- If a group long-term care partnership policy is replaced by another group long-term care partnership policy issued to the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the previous group policy on the date of replacement. Coverage shall be offered to individuals by the insurer and premiums charged to persons under the new group policy:
- Shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced; and
  - Shall not vary or otherwise depend on the individual's health or disability status, claim experience or use of long-term care services.
- f) Termination of Long-Term Care Partnership Insurance Policy Program Participation.
- Insurers shall make available to the insureds the opportunity to purchase any traditional long-term care policy offered by the insurer which has benefits comparable to the benefits provided by a certified long-term care insurance policy. Provided, the insurer shall make these policies available without the need for the insured to provide evidence of insurability in the event the insured's long-term care partnership policy is terminated.
- g) The premiums charged to an insured for long-term care insurance shall not increase due to either:
- The increasing age of the insured; or
  - The duration the insured has been covered under the policy.
- h) No long-term care partnership policy shall:
- Be cancelled, nonrenewed or otherwise terminated on grounds of the age or deterioration of the mental or physical health of the insured individual or certificateholder; or
  - Contain a provision establishing a new waiting period in the event existing coverage is converted to, or replaced by, a new or other form within the same company, except with respect to an increase in benefits voluntarily selected by the insured individual or group certificateholder.
- (Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 2018.90 Minimum Benefit Standards for Qualifying Policies and Certificates

No long-term care partnership policy or certificate shall be advertised, solicited, or issued for delivery in this State as a long-term care partnership policy or certificate which does not meet the minimum benefit standards of this Section, and which has not been approved by the Director. These minimum

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standards do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards. These standards are in addition to all other requirements of this part. In order to participate in the Illinois long-term care partnership program, a policy or certificate shall meet the following:

- a) Contain a minimum daily benefit amount as defined in Section 208.30.<sup>7</sup>
- b) Provide that benefits be available in dollars, and not in days of care.<sup>7</sup>
- c) When an individual purchases a certified long-term care partnership insurance policy, the issuer must notify the purchaser of the benefits of purchasing inflation protection for the long-term care partnership insurance policy. Include a provision for inflation protection which satisfies the following criteria:
  - 1) Inflation protection benefit--increases--shall continue without regard to the time the insured has been insured under the long-term care partnership policy or certificate.
  - 2) The long-term care partnership policy or certificate provides for automatic increases in the per diem dollar level at least five percent (5%) compounded annually over the previous year for each year that the contract is in force and the insurer shall notify the policyholder or certificateholder when the increases are automatically effective.
  - 3) Any premium increases shall be based on the age of the policyholder or certificateholder at the time of issuance of the policy or certificate.
  - 4) The provisions of this subsection and Section 208.80(b)(4) are not required for life insurance policies or riders containing accelerated life benefits.
- d) Provide that the lesser maximum benefit amount of the long-term care partnership policy or certificate shall be proportionately reduced over inflation protection increases on subsequent dates.
- e) Provide the following upon the initial effective date:
  - 1) A daily nursing facility benefit of at least seventy-five percent (75%) of the average daily private pay rate in nursing facilities rounded to the next highest five-dollar (\$5) increment.
  - 2) A home and community based benefit of at least fifty percent (50%) of the monthly nursing facility benefit contained in the long-term care partnership policy or certificate. The monthly home and community based benefit shall not exceed the monthly nursing facility benefit.
- f) No policy or certificate shall pay benefits in excess of the actual charges.
- g) Payment for nursing facility services and home care is the lesser of the contracted insurance benefit or the actual charge.
- h) Provide an explanation of Asset Protection as defined in Section 208.30.

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

h) Provide an explanation of Estate Recovery as defined in Section 208.30.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF INSURANCE

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## Section 2018, EXHIBIT C: Disclosure Statements

Things You Should Know Before You Buy  
Long-Term Care Partnership Insurance

Long-Term Care Partnership Insurance policy may pay most of the costs for your care in a nursing home. Many policies also pay for at home or other community settings. Since policies can vary in coverage, you should read this policy and make sure you understand what it covers before you buy it.

You should not buy this long-term care partnership insurance policy unless you can afford to pay the premiums every year. Remember that the company can increase premiums in the future. For single premium policies, delete this language: "noncancelable policies." Delete the second sentence only.

The personal worksheet includes questions designed to help you and the company determine whether this policy is suitable for your needs.

Medicare does not pay for most long-term care.

Medicaid will generally pay for long-term care if you have very little income and few assets. You probably should not buy this policy if you are now eligible for Medicaid.

Many people become eligible for Medicaid after they have used up their personal financial resources by paying for long-term care services.

When Medicaid pays your spouse's nursing home bills, you are allowed to keep your house and furniture, a living allowance, and some of your joint assets.

Your choice of long-term care services may be limited if you are receiving Medicaid. To learn more about Medicaid, contact your local or State Medicaid agency.

Make sure the insurance company or agent gives you a copy of a book called the National Association of Insurance Commissioners' "Shopper's Guide to Long-Term Care Insurance." Read it carefully. If you have decided to accept long-term care insurance, you have the right to review the policy and ask for a refund of the premium you have paid if you are dissatisfied for any reason or

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choose not to purchase the policy.

Counseling Free counseling and additional information about long-term insurance is available through your State Insurance Counseling program. Contact the Illinois Department of Insurance or Department on Aging for more information about the senior health insurance counseling program in Illinois.

(Source: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 2018. EXHIBIT D Long-Term Care Partnership Insurance Suitability Letter

Dear Applicant:

Your recent application for long-term care insurance included a "personal assessment" which asked questions about your financial resources and your ability to pay for long-term care insurance. For your protection, Illinois law requires us to consider this information when we review your application, to avoid selling a policy to those who may not need coverage.

[Your answers indicate that long-term care insurance may not meet your financial needs. We suggest that you review the information provided along with your application, including the booklet "Shopper's Guide to Long-Term Care Insurance" and the new titled "Things You Should Know Before Buying Long-Term Care Insurance." The Illinois Department of Insurance also has information about long-term care insurance and may be able to refer you to a counselor free of charge who can help you decide whether to buy this policy.]

[You chose not to provide any financial information for us to review.]

Drafting Note: Choose the paragraph that applies.

We have suspended our final review of your application. If, after careful consideration, you still believe this policy is what you want, check the appropriate box below and return this letter to us within the next 60 days. We will then continue reviewing your application and issue a policy if you meet our medical standards.

If we do not hear from you within the next 60 days, we will close your file and not issue you a policy. You should understand that you will not have any coverage until we hear back from you, approve your application and issue you a policy.

Please check one box and return in the enclosed envelope.

☐ Yes, although my worksheet indicates that long-term care insurance may not be a suitable purchase, I wish to purchase this coverage. Please resume review of my application. Delete the phrase in brackets if the applicant did not answer the questions about income.

☐ No, I have decided not to buy a policy at this time.

APPLICANT'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

Please return to [issuer] at [address] by [date].

(Source: Added at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC AID

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- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number:  
120-330  
120-332
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P.A. 89-525 which amends Section 25 of the Partnership for Long-Term Care [320 ILCS 35/25]

5) Complete Description of the Subjects and Issues Involved: In accordance with Section 25 of the Partnership for Long-Term Care Act (see Public Act 89-525), these proposed amendments provide criteria for the protection of assets from Medicaid eligibility for persons who purchase and use insurance that meets requirements of the Long Term Care Partnership Insurance Program. Income generated by the protected assets must be considered for Medicaid eligibility. This rulemaking protects all assets of a person who purchases a policy with coverage equal to the average cost of four years of long term care in a nursing home provided that the person has received all qualifying benefit payments that are payable under the policy. For other policies, the amount of assets equal to the sum of the qualifying benefit payments are protected provided that the person has received all qualifying benefit payments that are payable under the policy.

Currently, the Department disregards assets equal to the sum of qualifying insurance benefit payments made as a result of coverage under a Long Term Care Partnership Insurance Policy. These proposed amendments establish that the assets will only be disregarded in an amount equal to insurance payments once all payments payable under the policy are made. The Department will also disregard all assets of a person who purchases one of these policies provided the coverage is equal to the average cost of four years of long term care services in a nursing facility and all payments under the policy have been made.

As a result of this rulemaking, unearned income will include any amount of interest earned from assets disregarded by 89 Ill. Adm. Code 120.382(a)(3) and (a)(4). In addition to previously exempted assets, the cash value of the following assets will also be disregarded:

1. The amount equal to the sum of qualifying insurance benefit payments made as a result of coverage under a Long Term Care Partnership Insurance Policy, as described in 50 Ill. Adm. Code 2018, provided that the person has received all of the qualifying insurance benefit payments that are payable under the policy; and

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2. All assets of a person who purchases a Long Term Care Partnership Insurance Policy, as described in 50 Ill. Adm. Code 2018, with coverage equal to the average cost of four years of long term care services in a nursing facility, provided that the person has received all of the qualifying insurance benefit payments that are payable under the policy.
  - 6) Will these proposed amendments replace emergency amendments currently in effect? No
  - 7) Does this rulemaking contain an automatic repeal date? No
  - 8) Do these proposed amendments contain incorporations by reference? No
  - 9) Are there any other proposed amendments pending on this Part? Yes
- | Sections | Proposed Action | Illinois Register Citation            |
|----------|-----------------|---------------------------------------|
| 120-11   | Amendment       | January 10, 1997 (21 Ill. Reg. 558)   |
| 120-310  | Amendment       | January 10, 1997 (21 Ill. Reg. 558)   |
| 120-372  | Amendment       | December 17, 1996 (21 Ill. Reg. 1143) |
| 120-379  | Amendment       | August 23, 1996 (20 Ill. Reg. 11472)  |
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umuma  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Ave., 2nd Floor  
Springfield, Illinois 62762  
Phone: (217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

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These entities may submit comments in writing to the Department at the address in accordance with the regulatory flexibility provisions in Section 5-10 of the Illinois Administrative Code, 65 ILCS 100/5-30. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER 1: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER B: ASSISTANCE PROGRAMS  
PART 120  
MEDICAL ASSISTANCE PROGRAMS  
SUBPART A: GENERAL PROVISIONS

Section	Incorporation By Reference
120.11	Eligibility For Medical Assistance Eligibility For Medical Assistance For Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy (WANG(P) Program) Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women WANG(AHBD) Income Standard WANG(C) Income Standard WANG(P) Income Standard Exceptions To Use Of WANG Income Standard AMI Income Standard (Repealed)
120.12	WANG(AHBD) Income Standard
120.20	WANG(C) Income Standard
120.30	WANG(P) Income Standard
120.31	Exceptions To Use Of WANG Income Standard
120.40	AMI Income Standard (Repealed)
120.50	
SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION	
Section	
120.60	All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later who Do Not Qualify As Mandatory Categorically Needy Cases in Intermediate Care, Skilled Nursing Care and DMHDD - WANG(AHBD) and All Other Licensed Medical Facilities Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Code 100/5-30 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy (WANG(P) Program) Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements
120.61	
120.62	
120.63	
120.64	
120.65	
SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE	

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Section  
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program  
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare  
Beneficiary (QMB)  
120.73 Eligibility for Medical Payment of Medicare Part B Premiums as a  
Qualified Low-Income Medicare Beneficiary (SLIB)  
120.74 Specified Low-Income Medicare Beneficiary (QMB) Income Standard  
120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standard  
120.76 Hospital Insurance Benefits (HIB)

## SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section  
120.80 Recipient Restriction Program

## SUBPART F: MIGRANT MEDICAL PROGRAM

Section  
120.90 Migrant Medical Program  
120.91 Income Standards

## SUBPART G: AID TO THE MEDICALLY INDIGENT

Section  
120.200 Elimination of Aid to the Medically Indigent  
120.208 Client Cooperation (Repealed)  
120.210 Citizenship (Repealed)  
120.212 Residency (Repealed)  
120.214 Relationship (Repealed)  
120.216 Living Arrangements (Repealed)  
120.217 Supplemental Payments (Repealed)  
120.218 Institutional Status (Repealed)  
120.224 Foster Care Program (Repealed)  
120.225 Social Security Numbers (Repealed)  
120.235 Unearned Income (Repealed)  
120.236 Exempt Unearned Income (Repealed)  
120.240 Education Benefits (Repealed)  
120.245 Unearned Income In-Kind (Repealed)  
120.245 Lump Sum Payments (Repealed)  
120.255 Earnmarked Income (Repealed)  
120.255 Protected Income (Repealed)  
120.260 Earned Income (Repealed)  
120.261 Budgeting Earned Income (Repealed)  
120.262 Exempt Earned Income (Repealed)  
120.270 Recognized Employment Expenses (Repealed)  
120.270 Income from Work/Study/Training Program (Repealed)  
120.272 Earned Income From Self-Employment (Repealed)

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120.273 Earned Income From Roomer and Boarder (Repealed)  
120.275 Earned Income In-Kind (Repealed)  
120.276 Payments from the Illinois Department of Children and Family Services  
(Repealed)  
120.280 Assets (Repealed)  
120.281 Exempt Assets (Repealed)  
120.282 Asset Disregards (Repealed)  
120.283 Deferral of Consideration of Assets (Repealed)  
120.284 Spend-down of Assets (AMI) (Repealed)  
120.285 Property Transfers (Repealed)  
120.285 Persons Who May Be Included in the Assistance Unit (Repealed)  
120.290 Payment Levels for AMI (Repealed)  
120.295

## SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section  
120.308 Client Cooperation  
120.309 Caretaker Relative  
120.310 Citizenship  
120.311 Residence  
120.312 Age  
120.313 Blind  
120.314 Disabled  
120.315 Relationship  
120.316 Living Arrangements  
120.317 Supplemental Payments  
120.318 Institutional Status  
120.319 Assignment of Rights to Medical Support and Collection of Payment  
120.320 Cooperation in Establishing Paternity and Obtaining Medical Support  
120.321 Good Cause Refusal to Cooperate in Establishing Paternity and  
Obtaining Medical Support  
120.322 Proof of Good Cause for Failure to Cooperate in Establishing  
Paternity and Obtaining Medical Support  
120.323 Suspension of Paternity Establishment and Obtaining Medical Support  
Upon Finding Good Cause  
120.324 Health Insurance Premium Payment (HIPP) Program  
120.325 Health Insurance Premium Payment (HIPP) Pilot Program  
120.326 Foster Care Program  
120.327 Social Security Numbers  
120.330 Unearned Income  
120.332 Budgeting Unearned Income  
120.335 Exempt Unearned Income  
120.336 Education Benefits  
120.338 Incentive Allowance  
120.340 Unearned Income In-Kind  
120.342 Court Ordered Child Support Payments of Parent/Step-Parent  
120.345 Earnmarked Income  
120.346 Medical Qualifying Trusts





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(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 120.382 Asset Disregard

In addition to the exempt assets listed in Section 120.381, the cash value of assets shall be disregarded as follows:

- a) **MANG (AABD)**
  - 1) \$2000.00 for a client and \$3000.00 for a client and one dependent living together.
  - 2) \$50.00 for each additional dependent residing in the same household.
  - 3) The amount equal to the sum of qualifying insurance benefit payments made as a result of coverage under a Long Term Care Partnership Insurance Policy, as described in 50 Ill. Adm. Code 2016, provided that the person has received all of the qualifying insurance benefit payments that are payable under the policy.
  - 4) All assets of a person who purchases a Long Term Care Partnership Insurance Policy, as described in 50 Ill. Adm. Code 2016, with coverage equal to the average cost of four years of long term care, and in which the person has received all of the qualifying insurance benefit payments that are payable under the policy.
  - 5) 4) Eligibility for MANG does not exist when nonexempt non-exempt assets exceed the above disregard.
- b) **MANG(C)**
  - 1) \$2000.00 for a one-person one-person assistance unit and \$3000.00 for a two-person assistance unit.
  - 2) \$50.00 for each additional member of the assistance unit.
- c) **Qualified Medicare Beneficiary (QMB)**
  - 1) \$50.00 for a single person and \$6,000 for a person with one or more dependent.
  - 2) Eligibility for QMB status does not exist when countable assets exceed the above disregard.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC AID

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(Source: Amended at 89 Ill. Adm. Code 102 \_\_\_\_\_, effective \_\_\_\_\_)

## Proposed Action:

Amendment

## Section Numbers:

102-21

- 1) Heading of the Part: Rights and Responsibilities
- 2) Code Citation: 89 Ill. Adm. Code 102
- 3) Section Numbers: 102-21
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ICS 5/12-13] and Public Law 103-31
- 5) Complete Description of the Subjects and Issues Involved: Due to a recent change in State and Local Voter Registration procedures and in accordance with provisions of the National Voter Registration Act of 1993 (P.L. 103-31) and based upon court action, these proposed amendments provide that the Department will offer clients the opportunity to register to vote for all elections. In accordance with court action, the Department currently allows each member of the household over the age of 18 years, who must sign the application for public assistance and is present for the eligibility interview, the opportunity to register to vote for all elections. The Department offers the opportunity to register to vote for all elections. Each application for assistance must include a certification of registration of the State of Illinois, or other face-to-face redetermination. This rulemaking aligns the rules with current Department policy.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic renewal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

## Sections Proposed Action Illinois Register Citation

102-270	Amendment	January 24, 1997 (21 Ill. Reg. 1171)
102-280	Amendment	January 24, 1997 (21 Ill. Reg. 1171)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

## DEPARTMENT OF PUBLIC AID

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July Umuña  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Ave., E., 3rd Floor  
Springfield, Illinois 62762  
Phone: (217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ICAS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities, or not-for-profit corporations. The Department will accept and consider any written comments on the proposed amendments. Effects that may be submitted in response to these proposed amendments. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ICAS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to these proposed amendments.

B) Retracting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER a: GENERAL PROVISIONS

## PART 102

## RIGHTS AND RESPONSIBILITIES

## Section

102.1	Incorporation By Reference
102.10	Rights of Clients
102.20	Nondiscrimination
102.21	Voter Registration
102.25	Grievance Rights of Clients
102.26	Confidentiality of Case Information
102.30	Case Recordkeeping
102.35	Freedom of Choice
102.40	Reporting Change of Circumstances
102.60	Referral Requirements
102.63	Reporting Child Abuse/Neglect
102.66	Suitability of Home
102.70	Notice to Client
102.80	Right to Appeal
102.81	Continuation of Assistance Pending Appeal
102.82	Time Limit for Filing an Appeal
102.83	Examining Department Records
102.84	Child Care
102.90	Voluntary Repayment of Assistance
102.100	Excess Assistance (Recodified)
102.110	Recoupment of Overpayments (Recodified)
102.111	Correction of Underpayments
102.200	Request for Assistance
102.201	Estate Claims
102.210	Estate Claims
102.220	Real Property Liens
102.230	Filing and Renewal of Liens
102.235	Liens on Property of Institutionalized Recipients
102.240	Foreclosure of Liens
102.245	Release of Liens
102.250	Personal Injury Claims
102.260	Convictions of Fraud - Eligibility
102.270	Single Conviction of Fraud - Administrative Review Board
102.280	Single Conviction of Fraud - Administrative Review Board

AUTHORITY: Implementing Article XI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ICAS 5/Art. XI and 12-13].

SOURCE: Filed and effective December 31, 1977; peremptory rule at 2 Ill. Reg. 102.1, p. 449, effective December 13, 1978; amended at 2 Ill. Reg. 102.1, p. 452, December 23, 1978; peremptory amendment at 3 Ill. Reg. 102.1, p. 39, effective March 1, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979;

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amended at 3 Ill. Reg. 43, p. 196, effective October 15, 1979; amended at 5 Ill. Reg. 8035, effective July 27, 1981; amended at 5 Ill. Reg. 10775, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 7 Ill. Reg. 8350, effective July 1, 1983; amended at 8 Ill. Reg. 18910, effective September 26, 1984; amended at 9 Ill. Reg. 327, effective December 31, 1984; amended at 9 Ill. Reg. 3730, effective March 13, 1985; amended at 9 Ill. Reg. 6812, effective April 26, 1985; amended at 9 Ill. Reg. 7162, effective May 1, 1985; amended at 9 Ill. Reg. 13091, effective August 16, 1985; amended at 9 Ill. Reg. 14704, effective September 13, 1985; amended at 9 Ill. Reg. 15912, effective October 4, 1985; amended at 10 Ill. Reg. 3984, effective February 22, 1986; amended at 10 Ill. Reg. 4479, effective August 13, 1986; amended at 10 Ill. Reg. 45088, effective September 1, 1986; amended at 10 Ill. Reg. 45101, effective September 1, 1986; amended at 10 Ill. Reg. 51094; amended at 11 Ill. Reg. 10657, effective August 10, 1987; amended at 11 Ill. Reg. 18239, effective October 30, 1987; amended at 12 Ill. Reg. 3735, effective February 5, 1988; amended at 13 Ill. Reg. 3940, effective March 10, 1989; amended at 14 Ill. Reg. 13279, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 20078, effective December 3, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 7202, effective April 30, 1991; amended at 18 Ill. Reg. 273, effective December 28, 1993; amended at 18 Ill. Reg. 8938, effective June 3, 1994; amended at 19 Ill. Reg. 1108, effective January 26, 1995; emergency amendment at 19 Ill. Reg. 12320, effective August 14, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 883, effective December 29, 1995; amended at 21 Ill. Reg. 619, effective January 1, 1997; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 102.21 Voter Registration

- a) As mandated by the National Voter Registration Act of 1993, Public Law 103-31, Department staff are required to allow clients the opportunity to register to vote and to assist clients in completing voter registration forms. **The opportunity-to-register-to-vote-shall-be-for-federal-elections-only**
- b) An application for assistance is a signed request for AFDC, Food Stamps or Medicaid benefits. The opportunity to register to vote shall be given at each application for assistance and at each recertification of Food Stamp benefits or other face-to-face redetermination. The opportunity to register to vote shall be made to all clients age 18 and over who signed the application for AFDC, Food Stamps, Transitional Assistance, Child and Family Assistance, or Medicaid benefits and who are present at the eligibility interview.
- d) The Department shall allow each member of the household over the age of 18 years, who must sign the application for public assistance and is present for the eligibility interview, the opportunity to register to vote. Each individual they may decline.
- e) Department staff shall provide the same degree of assistance to each applicant in completing the voter registration form as provided by the

## DEPARTMENT OF PUBLIC AID

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- Agency with regard to the completion of its own forms, unless the applicant specifically requests assistance.
- f) Department staff shall not:
    - 1) seek to influence an applicant's political preference or party registration;
    - 2) display any political preference or party allegiance;
    - 3) make any statement or take any action to discourage an applicant from registering to vote; or
    - 4) make any statement or take any action to lead an applicant to believe that a decision to register or not to register will affect the availability of assistance.
  - g) Department staff shall collect completed voter registration forms and forward the forms to the State election official no later than 10 days after the date of acceptance. Any voter registration form accepted by Department staff after the deadline shall be forwarded to the State election official for acceptance no later than five days after the date of acceptance.
  - h) The Department shall keep confidential records of the number of persons choosing to complete a voter registration form. The Department shall report those numbers to the State Board of Elections.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS RACING BOARD  
NOTICE OF PROPOSED RULES

1) Heading of the Part: Countdown

2) Code Citation: 11 Ill. Adm. Code 317

3) Section Numbers: Proposed Action:  
 317.10 New Section  
 317.20 New Section  
 317.30 New Section  
 317.40 New Section  
 317.50 New Section  
 317.60 New Section  
 317.70 New Section

4) Statutory Authority: 230 ILCS 5/9(b)

5) A. Complete Description of the Subjects and Issues Involved: This rulemaking establishes a new wagering pool. The Countdown wager requires the selection of the fourth place finisher in the first race, the third place finisher in the second race, the second place finisher in the third race and the winner in the fourth and the last Countdown race. Issues such as pool construction, dead heats, dead heats and mandatory distribution are detailed in this rulemaking.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporation by reference? No

9) Are there any other proposed amendments pending in this Part? No

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Gina DiCaro  
 Illinois Racing Board  
 Legal Department  
 100 West Randolph, Ste. 11-100  
 Chicago, IL 60601  
 312/814-5070

12) Initial Regulatory Flexibility Analysis:

ILLINOIS RACING BOARD  
NOTICE OF PROPOSED RULES

A) Types of small business affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking is a result of a request by Arlington International Racecourse and was not summarized in a regulatory agenda.

The full text of the proposed rules begins on the next page:



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

second greatest number of winning betting interests in the Countdown contests, based upon the official order of finish. If there are no wagers selecting the winning betting interest in each of the designated Countdown contests, the entire net Countdown pool shall be distributed as a single prize pool to those who selected the greatest number winning betting interests in the Countdown contests. If there are no wagers selecting the second greatest number of winning betting interests in the Countdown contests, the minor share of the net Countdown pool shall be combined with the major share for distribution as a single prize pool to those who selected the winning betting interests in each of the four designated Countdown contests. If there are no winning wagers on any of the Countdown contests, the pool is refunded.

## Section 317.30 Dead Heats

a) In the event there is a dead heat involving any of the first through fourth place finishers in a Countdown contest, the Countdown pool shall be distributed as a single prize pool.

b) In the event there is a dead heat in any of the Countdown contests, the following shall apply:

- 1) In the first designated Countdown contest, all betting interests involved in a dead heat for third or fourth place shall be considered winners. If there is a dead heat for third and fourth place, only those betting interests involved in the dead heat for third place shall be considered winners.
- 2) In the second designated Countdown contest, all betting interests involved in a dead heat for second or third place shall be considered winners. If there is a dead heat for second and third, only those betting interests involved in the dead heat for third place shall be considered winners.
- 3) In the third designated Countdown contest, all betting interests involved in a dead heat for first or second place shall be considered winners. If there is a dead heat for first and second place, only those betting interests involved in the dead heat for first place shall be considered winners.
- 4) In the fourth designated Countdown contest, all betting interests involved in a dead heat for first place shall be considered winners.

## Section 317.40 Scratches

a) In the event a betting interest is scratched from any of the Countdown contests prior to the running of the first designated Countdown contest, all wagers including the scratched betting interest shall be refunded.

b) In the event a betting interest is scratched from the second or third Countdown contest after the first contest has been declared official,

## ILLINOIS RACING BOARD

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all wagers including the scratched betting interest shall be refunded.

c) In the event a betting interest is scratched from the fourth Countdown contest after the first contest has been declared official, the actual favorite, as evidenced by the total amounts wagered in the win pool at the close of wagering on that contest with the lowest post position, shall be substituted for the scratched betting interest.

## Section 317.50 Cancellation

The Countdown pool shall be canceled and all Countdown wagers for the individual performance shall be refunded if:

- a) the field of contestants in any of the designated Countdown contests is reduced by less than five contestants;
- b) any of the remaining Countdown contests are canceled or declared no contest by the stewards after the first designated race has been run.

## Section 317.60 Carryover Cap

The Countdown carryover, if any, may be capped at a designated level approved by the State Director of Mutuels so that if, at the close of any performance, the amount in the Countdown carryover equals or exceeds the designated cap, the Countdown carryover will be frozen until it is won or distributed pursuant to Section 317.70 of this Part. After the Countdown carryover is frozen, 100 percent of the net pool, part of which ordinarily would be added to the Countdown carryover, shall be distributed to those whose selection correctly designates the greatest number of winning betting interests, as defined in Section 317.10 of this Part, in the Countdown contests for the performance.

## Section 317.70 Mandatory Distribution

a) A written request for permission to distribute the Countdown carryover for specific performance may be submitted to the State Director of Mutuels. The request shall contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

b) Should the Countdown carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the winning betting interest in each of the four designated Countdown contests, the entire pool shall be distributed as a single prize pool to:

- 1) those whose selection correctly designates the winning betting interest in any three of the four Countdown contests, but if there are no such wagers, then
- 2) those whose selection correctly designates the winning betting interest in any two of the four Countdown contests, but if there are no such wagers, then
- 3) those whose selection correctly designates the winning betting interests in one of the four Countdown contests, but if there are

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

- no such wagers, then
- 4) those who present a valid pari-mutuel ticket for the Countdown wager.
  - c) The Countdown carryover shall be designated for distribution on a specified date and performance only under the following circumstances:
    - 1) Upon written approval from the State Director of Mutuels as provided for in subsection (a) of this Section.
    - 2) On the closing performance of the meet, split meet or successive day, if for any reason the Countdown carryover is paid over to the Director of Mutuels, the carryover shall be paid over to the State Director of Mutuels. The Countdown carryover plus accrued interest shall then be added to the net Countdown pool of the following meet on a date and performance designated by the State Director of Mutuels.
    - e) With written approval of the Board, the organization licensee may contribute to the Countdown carryover a sum of money up to any designated cap.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Match Rival
- 2) Code Citation: 11 Ill. Adm. Code 315
- 3) Section Numbers:
  - 315.10 New Section
  - 315.10 New Section
  - 315.30 New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes a new wagering pool. This wager matches two horses in a single race based on the ability of the horse, jockey/driver and/or trainer. This wager does not require that the selection finish in the first three places, but requires that the selection finish before the match race starts. The pool is based on the pool distribution, cancellation, and scratches are detailed in this rulemaking.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Gina DiCaro  
 Illinois Racing Board  
 100 West Randolph, Ste. 11-100  
 Chicago, IL 60601  
 (312)814-5070

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: None
- B) Rescinding, bookkeeping or other procedures required for compliance: None

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking is a result of a request by Arlington International Racecourse and was not summarized in a regulatory agenda.

The full text of the proposed rules begins on the next page:

## ILLINOIS REGISTER

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

## TITLE 11: ALCOHOL, HORSE RACING AND LOTTERY

## SUBTITLE B: HORSE RACING

## CHAPTER I: ILLINOIS RACING BOARD

## SUBCHAPTER a: GENERAL RULES

## PART 315

## MATCH RIVAL

## Section

315.10 General  
315.20 Pool Distribution  
315.30 Pool Cancellation

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 315.10 General

- a) The match rival wager requires the selection of the winning contestant in a competition between two equally matched horses or based on the sportsmanship and/or skill of the jockeys/drivers and/or trainers in a designated contest or series of contests regardless of the official placing of the other betting interests in that contest or series of contests. The match rival wager shall be calculated in an entirety against the pool.
- b) Match rival wagers shall not be sold in denominations of less than \$2.
- c) The match rival rules shall be prominently displayed in the official program each day the match rival wager is offered.
- d) The organization licensee may re-name this wager, but shall notify the State Director of Mutuels of the name that will be used.
- e) The racing secretary, with the advise and consent of the stewards, shall determine the contestants for each match rival contest. The matching of contestants for the match rival shall be limited to horse versus horse, jockey versus jockey, driver versus driver and/or trainer versus trainer. The racing secretary shall not designate betting interests which are part of an entry or mutuel field as contestants for the match rival wager.
- f) The contestants for the match rival wager shall be conspicuously identified in the official program.
- g) The organization licensee shall deduct the appropriate take-out and taxes as established in the Act. Match rival wagers consisting of a single contest shall be considered a single wager. Match rival wagers consisting of two contests shall be considered a feature wager. Match rival wagers consisting of three or more contests shall be considered

## ILLINOIS RACING BOARD

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## a multiple wager.

## Section 315.20 Pool Distribution

The net match rival pool shall be distributed to winning wagers based upon the official order of finish as a single price pool to those whose selection arrives at the finish line first in a single contest or contains the most winners in a series of contests.

- a) In the event both contestants fail to finish in a single contest, the entire pool shall be refunded for that wager.
- b) In a series of contests of a match rival wager, at least two contests must be completed or the entire wager shall be canceled and the entire pool refunded.

## Section 315.30 Pool Cancellation

- a) In the event there is a dead heat in a single event contest, the entire pool shall be refunded for that wager. In the event there is a dead heat in one or more races in a series of contests, all contestants shall be considered winners.
- b) In the event any contestant is scratched or declared a non-starter by the stewards in any match rival race, the entire wager shall be canceled and the entire pool refunded.
- c) In the event any contestant is scratched or declared no contest by the stewards, the entire wager shall be canceled and the entire pool refunded.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Show Quinella

- 2) Code Citation: 11 Ill. Adm. Code 316

- 3) Section Numbers:  
 316.10 Proposed Action:  
 New Section  
 316.20 New Section  
 316.30 New Section  
 316.40 New Section

- 4) Statutory Authority: 230 ILCS 5/9(b)

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes a new wagering pool. The Show Quinella wager is a variation of the Quinella wager which includes the show position in the winning combinations. Issues such as pool distribution, dead heats, and scratches are detailed in this rulemaking.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporation by reference? No

- 9) Are there any other proposed amendments pending in this Part? No

- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Gina DiCaro  
 Illinois Racing Board, Legal Department  
 100 West Randolph, Ste. 11-100  
 Chicago, Illinois 60601  
 (312) 814-5070

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: None

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

- 13) Regulatory Agenda which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was a result of a request by Arlington International Racecourse and was not summarized in a regulatory agenda.

The full text of the proposed rules begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

TITLE 11: ALCOHOL, HORSE RACING AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER A: GENERAL RULES

PART 316  
SHOW QUINELLA

## Section

316.10 General  
316.20 Pool Distribution  
316.30 Dead Heat  
316.40 Scratches

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 316.10 General

- a) The Show Quinella requires the selection of two of the first three place finishers, irrespective of order, for a single contest. The Show Quinella wager shall be calculated in an entirely separate pool.
- b) The Show Quinella rules shall be prominently displayed in the official program each day the wager is offered.
- c) Show Quinella wagers shall not be sold in denominations of less than \$1, unless otherwise approved by the Board pursuant to 11 Ill. Adm. Code 316.40.
- d) The organization licensee may re-name this wager, but shall notify the State Director of Mutuels of the name to be used.

## Section 316.20 Pool Distribution

The organization licensee shall elect one of the following methods for distribution of the Show Quinella pool:

- a) Method 1: Single price with no carryover: The net Show Quinella pool shall be distributed as a single price to those whose combinations finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then the entire pool shall be refunded on Show Quinella wagers for that contest.
- b) Method 2: Single price with carryover: The net Show Quinella pool shall be distributed as a single price pool to those whose combination finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then the net pool shall be carried

## ILLINOIS RACING BOARD

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- forward, added to any existing carryover and added to the next Show Quinella pool.
- c) Method 3: Profit split with no carryover: The net Show Quinella pool shall be distributed as a profit split to those whose combination finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then the entire pool shall be refunded on Show Quinella wagers for that contest.
- d) Method 4: Profit split with carryover: The net Show Quinella pool shall be distributed as a profit split to those whose combination finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then the pool shall be added forward to any existing carryover and added to the next Show Quinella pool.
- e) If contestants of a coupled entry or mutual field finish within the first three finishers, the next separate betting interest shall be used to comprise the first three place finishers to determine the winning combinations for this wager.

## Section 316.30 Dead Heat

- a) In the event there is a dead heat for first place involving:
- 1) two or three separate betting interests, the net pool shall be distributed as if no dead heat occurred;
  - 2) four or more separate betting interests, the net pool shall be distributed between all possible winning combinations of the first and second, first and third, and second and third place finishers.
- b) In the event there is a dead heat for second place involving:
- 1) two separate betting interests, the net pool shall be distributed as if no dead heat occurred;
  - 2) three or more separate betting interests, the net pool shall be distributed between all possible winning combinations of the first and second, first and third, and second and third place finishers.
- c) In the event there is a dead heat for third place involving two or more separate betting interests, the net pool shall be distributed between all possible winning combinations of the first and third, second and third, and first and second place finishers.

## Section 316.40 Scratches

- a) In the event any contestant, which is not part of an entry or mutual field, is scratched, all wagers including the scratched betting interest shall be refunded.
- b) Scratches involving an entry or mutual field shall not be refunded unless all contestants of the entry or mutual field are scratched.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULES

- c) In the event scratches reduce the number of betting interests in any Show Quinella contest to fewer than five, the entire pool shall be refunded.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Long-Term Care Partnership Program
- 2) Code Citation: 89 Ill. Adm. Code 688
- 3) Section Numbers:
- |                  |
|------------------|
| Proposed Action: |
| Amendments       |
| 688.10           |
| Amendments       |
| 688.20           |
| Amendments       |
| 688.30           |
| Amendments       |
| 688.40           |
- 4) Statutory Authority: Partnership for Long-Term Care Act [320 ILCS 35] and Section 3(g) of the Disabled Persons Rehabilitation Act [320 ILCS 2405/3(g)]
- 5) A Complete Description of the Subjects and Issues Involved: The four State agencies who are partners in the Illinois Long-Term Partnership Program are cooperating to revise their respective rules to respond to the legislative changes signed into law last year. Specifically the word "demonstration" is removed from the rules and the eligibility requirements Section 688.20 were revised to reflect legislative changes. Revisions in this Section were in the area of Asset protection.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:
- Ms. Susan Warner, Manager  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429  
Telephone: (217) 785-3896  
TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.
- A) Types of small businesses, small municipalities and not for profit corporations affected: n/a
- B) Reporting, bookkeeping or other procedures required for compliance: n/a
- C) Types of professional skills necessary for compliance: n/a
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997
- The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF REHABILITATION SERVICES

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM

## PART 688

## Illinois Long-Term Care Partnership Demonstration Program

- Section  
688.10 Authority and Purpose  
688.20 Eligibility Requirement  
688.30 Appeals  
688.40 Scope of Services

AUTHORITY: Partnership for Long-Term Care Act [320 ILCS 35] and Section 3(g) of the Disabled Persons Rehabilitation Act [20 ILCS 2405.3(g)].

SOURCE: Adopted at 18 Ill. Reg. 11267, effective June 30, 1994; amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 688.10 Authority and Purpose

- a) In conjunction with the Illinois Department on Aging, the Illinois Department of Insurance, and the Illinois Department of Public Aid, this Part is promulgated pursuant to Public Act 87-163, the Partnership for Long-Term Care Act.
- b) The purpose of this regulation is to implement Public Act 87-163 and the Partnership for Long-Term Care Act by establishing a Long-Term Care Insurance Partnership Demonstration Program. This program will allow individuals who purchase private long-term care insurance that meets State standards, and who sustain extended periods of chronic illness that exhaust their private insurance benefits, to be eligible for continued in home support services through the Medicaid program based on their meeting specific resource eligibility requirements.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 688.20 Eligibility Requirement

An individual under age 60 whose Long-Term Care Partnership Demonstration Program benefits have been exhausted shall be considered eligible for the DORS Home Services Program, as set forth in 89 Ill. Adm. Code 685 and 690, with the following exceptions:

- a) Points scored on the Determination of Need (DON) need only be at least 15 points on Part A of the DON, at least 10 points of which may be earned on the Mental State Exam (MSE); and
- b) non-exempt assets:
- 1) cannot exceed the sum of qualifying insurance benefit payments

made as the result of coverage under a Long-Term Care Partnership Insurance Policy as described in 50 Ill. Adm. Code 2018. Provided that the person has received all of the qualifying insurance benefit payments that are payable under the policy plus non-exempt assets as contained within 89 Ill. Adm. Code 687.200.

- 2) shall be disregarded for a person who purchased a certified Long-Term Care Partnership Insurance policy with an amount of coverage equal to or greater than the average of 4 years of long-term care services in a nursing facility. Provided that the person has received all the qualifying insurance benefit payments that are payable under the policy.

- a) non-exempt assets cannot exceed the sum of qualifying insurance benefit payments made as the result of coverage under a Long-Term Care Partnership Insurance Policy as described in 50 Ill. Adm. Code 2018. Provided that the person has received all of the qualifying insurance benefit payments that are payable under the policy plus non-exempt assets as contained within 89 Ill. Adm. Code 687.200.
- b) shall be disregarded for a person who purchased a certified Long-Term Care Partnership Insurance policy with an amount of coverage equal to or greater than the average of 4 years of long-term care services in a nursing facility. Provided that the person has received all the qualifying insurance benefit payments that are payable under the policy.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 688.30 Appeals

- a) Pursuant to 50 Ill. Adm. Code 2018.100 individuals under age 60 have the right to appeal a determination of ineligibility for benefits or a designated plan of care under the Long-Term Care Partnership Demonstration Program by contacting DORS. These appeals will be conducted in accordance with 89 Ill. Adm. Code 510. The Level I Hearing Officers for appeals under this Section will be the DSP Advisors. Level II appeals will be heard pursuant to 89 Ill. Adm. Code 510.90.

- b) Individuals who have reached 60 years of age or more may appeal a determination of ineligibility pursuant to 89 Ill. Adm. Code 200.300.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 688.40 Scope of Services

- a) Individuals qualifying for the DORS Home Services Program, as the result of having participated in the Long-Term Care Partnership Demonstration Program, shall receive services as defined in 50 Ill. Adm. Code 2011.30, provided through the Partnership Demonstration Program.
- b) Services provided through the Partnership Demonstration Program cannot exceed the maximum payment levels described in 89 Ill. Adm. Code

DEPARTMENT OF REHABILITATION SERVICES  
NOTICE OF PROPOSED AMENDMENTS

685.600.

(Source: Amended at 21 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: State of Illinois Dependent Care Assistance Plan
- 2) Code Citation: 80 Ill. Adm. Code 2110
- 3) Section Number: Adopted Action:  
2110.510 Amend
- 4) Statutory Authority: Implementing Sections 125 and 129(d) of the Internal Revenue Code (26 U.S.C. 125 and 129(d)), Section 63b5 of the Civil Administrative Code of Illinois [20 ILCS 405/64.2], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 [5 ILCS 375/3 and 375/9] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].
- 5) Effective Date of Rules: February 21, 1997
- 6) Does this rulemaking contain an automatic renewal date? No.
- 7) Do the Rules contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: February 21, 1997
- 9) Notice of Proposal Published in Illinois Register: September 27, 1996
- 10) Has JCAR issued a Statement of Objections to the Amendments? No.
- 11) Differences between Proposal and final version: Corrected and updated source notes and statutory cites.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will the Rules replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rules: The Department will no longer accept canceled checks as proof for dependent care expenses.
- 16) Information and questions regarding this adopted rule shall be directed to:  
Stephen W. Seiple  
720 Stratton Office Building  
Springfield, IL 62706  
(217)782-9669  
TDD (217)785-3979

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendments begin on the next page.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE F: EMPLOYEE BENEFITS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## PART 2110

## STATE OF ILLINOIS DEPENDENT CARE ASSISTANCE PLAN

## SUBPART A: INTRODUCTION AND DEFINITIONS

Section  
2110.110 Summary and Purpose of Plan  
2110.210 Plan Number  
2110.310 Definitions

## SUBPART B: ADMINISTRATION

Section  
2110.110 Role of the Department  
2110.120 Expenses of Administration

## SUBPART C: PARTICIPATION

Section  
2110.210 Date of Participation  
2110.220 Insufficient Salary  
2110.230 Errors  
2110.240 Reinstatement of Former Participant (Repealed)

## SUBPART D: ELECTION TO RECEIVE DEPENDENT CARE ASSISTANCE

Section  
2110.310 Election Procedure  
2110.320 Irrevocability of Election  
2110.330 Maximum Dependent Care Assistance  
2110.340 Minimum Dependent Care Assistance

## SUBPART E: DEPENDENT CARE ASSISTANCE ACCOUNTS

Section  
2110.410 Establishment of Accounts  
2110.420 Crediting of Accounts  
2110.430 Reversing of Accounts  
2110.440 Forfeiture of Accounts

## SUBPART F: PAYMENT OF DEPENDENT CARE ASSISTANCE ACCOUNTS

Section  
2110.510 Claims for Reimbursement

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

2110.520 Reimbursement of Participant  
2110.530 Exclusions  
2110.540 Statements

## SUBPART G: TERMINATION OF PARTICIPATION

Section  
2110.610 Termination or Death of Participant  
2110.620 Fraud

## SUBPART H: MISCELLANEOUS

Section  
2110.710 Non-discrimination  
2110.720 Illegality of a Particular Provision  
2110.730 Applicable Law  
2110.740 Rights Against the Employer  
2110.750 Effect on Social Security  
2110.760 Benefits Solely From General Assets  
2110.770 Nonassignability of Rights  
2110.780 Tax Consequences  
2110.790 Indemnification of State by Participants  
2110.800 Right to Amend and Terminate Reserved  
2110.810

AUTHORITY: Implementing Sections 125 and 125(d) of the Internal Revenue Code (26 U.S.C. 125 and 125(d)), Section 64.2 of the Civil Administrative Code of Illinois [20 ILCS 405/64.2], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 [5 ILCS 373/3 and 9] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 20248, effective December 1, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 9477, effective April 30, 1987; emergency amendments at 12 Ill. Reg. 11795, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17283, effective October 14, 1988; emergency amendments at 13 Ill. Reg. 214, effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 9259, effective May 31, 1989; amended at 16 Ill. Reg. 13801, effective August 28, 1992; amended at 19 Ill. Reg. 8590, effective June 14, 1995; amended at 21 Ill. Reg. 2950, effective FEB 2 1997.

## SUBPART F: PAYMENT OF DEPENDENT CARE ASSISTANCE ACCOUNTS

## Section 2110.510 Claims for Reimbursement

- a) A Participant who has enrolled for a Plan Year may apply to the Department for Reimbursement of Dependent Care Expenses incurred by

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- the Participant between July 1 and June 30. Dependent Care Expenses are treated as incurred when the dependent care is provided and not when the Participant is billed or charged, or pays for the dependent care.
- b) New Employees may apply for Reimbursement of Dependent Care Expenses incurred between the first day of the Pay Period deductions begin in accordance with Section 2110.210 of this Part and June 30.
- c) Participants who revoke participation in accordance with Section 2110.320 of this Part before the end of the Plan Year may apply for Reimbursement of Dependent Care Expenses incurred between July 1 and the last day of the Pay Period there was a deduction.
- d) The Participant may apply by submitting an application in writing to the Department on a claim form provided by the Department setting forth:

- 1) the amount, beginning and ending service date and nature of the expense with respect to which a benefit is requested;
- 2) the name, address, and tax identification number of social security number of the dependent care provider; and
- 3) bills, invoices, receipts, ~~enclosed checks~~ or other statements showing the amounts of such expenses.

(Source: Amended at 21 Ill. Reg. 2950, effective FEB 2 1997.)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: State of Illinois Medical Care Assistance Plan

2) Code Citation: 80 Ill. Adm. Code 2120

3) Section Number: Adopted Action:

2120.440 Amend

2120.760 Amend

4) Statutory Authority: Implementing Sections 105(h), 125 and 213(d) of the Internal Revenue Code (26 U.S.C. 105(h), 125, and 213(d)), Section 6355 of the Internal Revenue Code of 1954, as amended, Illinois (20 ILCS 105/64.2), Section 306 of the State Finance Act (30 ILCS 105/306), and Sections 105 and 106 of the State Employees Group Insurance Act of 1971 (5 ILCS 375/3 and 375/9) and authorized by Section 16 of the Civil Administrative Code of Illinois (20 ILCS 5/16).

5) Effective Date of Rules: February 21, 1997

6) Does this rulemaking contain an automatic renewal date? No

7) Do the Rules contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 21, 1997

9) Notice of Proposal Published in Illinois Register: September 27, 1996

10) Has JCAR issued a Statement of Objections to the Amendments? No

11) Differences between proposal and final version: No changes were made.

12) Have all the changes aired upon by the Agency and JCAR been made as indicated in the alignment letter issued by JCAR? No changes were necessary.

13) Will the Rules replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: Participants are required to submit claims for reimbursement on or before September 30. Previously participants had up to six months after the expiration of the plan year to submit claims.

16) Information and questions regarding this adopted rule shall be directed to:

Stephen W. Seiple  
720 Stratton Office Building  
Springfield, IL 62706

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

(217)782-9669

TDD (217)785-3979

The full text of the Adopted Amendments begin on the next page.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE F: EMPLOYEE BENEFITS

## CHAPTER 1: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## PART 2120

## STATE OF ILLINOIS MEDICAL CARE ASSISTANCE PLAN

## SUBPART A: INTRODUCTION AND DEFINITIONS

Section  
2120.110 Summary and Purpose of Plan  
2120.20 Plan Number  
2120.30 Definitions

## SUBPART B: ADMINISTRATION

Section  
2120.110 Role of the Department  
2120.120 Expenses of Administration

## SUBPART C: PARTICIPATION

Section  
2120.210 Date of Participation  
2120.220 Insufficient Salary  
2120.230 Errors

## SUBPART D: ELECTION TO RECEIVE MEDICAL CARE ASSISTANCE

Section  
2120.310 Election Procedure  
2120.320 Irrevocability of Election  
2120.330 Maximum Medical Care Assistance  
2120.340 Minimum Medical Care Assistance

## SUBPART E: MEDICAL CARE ASSISTANCE ACCOUNTS

Section  
2120.410 Establishment of Accounts  
2120.420 Crediting of Accounts  
2120.430 Debiting of Accounts  
2120.440 Forfeiture of Accounts

## SUBPART F: PAYMENT OF MEDICAL CARE ASSISTANCE ACCOUNTS

Section  
2120.510 Claims for Reimbursement  
2120.520 Reimbursement of Participant

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2120.530 Exclusions  
2120.540 Statements

## SUBPART G: TERMINATION OF PARTICIPATION

Section  
2120.610 Termination or Death of Participant  
2120.620 Fraud

## SUBPART H: MISCELLANEOUS

Section  
2120.710 Non-discrimination  
2120.720 Illegality of a Particular Provision  
2120.730 Applicable Law  
2120.740 Effect on Pension  
2120.750 Effect on Social Security  
2120.760 Benefits Solely From General Assets  
2120.770 Nonassignability of Rights  
2120.780 Tax Consequences  
2120.790 Indemnification of State by Participants  
2120.800 Right to Amend and Terminate Reserved

AUTHORITY: Implementing Sections 105(h), 125, and 213(d) of the Internal Revenue Code (26 U.S.C. 105(h), 125, and 213(d)) of the Civil Administrative Code of Illinois [20 ILCS 405/64.2], Section 30c of the State Finance Act [30 ILCS 105/30c], and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 (5 ILCS 375/3 and 9) and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Emergency rules adopted at 12 Ill. Reg. 11810, effective July 1, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 17296, effective October 17, 1988; amended at 14 Ill. Reg. 18998, effective November 14, 1990; amended at 16 Ill. Reg. 13811, effective August 28, 1992; amended at 19 Ill. Reg. 8595, effective June 14, 1993; amended at 21 Ill. Reg. 2955, effective

February 1, 1997.

## SUBPART E: MEDICAL CARE ASSISTANCE ACCOUNTS

## Section 2120.440 Forfeiture of Accounts

- a) The amount credited to a Participant's medical care assistance account for any plan year shall be used:
  - 1) only to reimburse the Participant for Medical Care Expenses incurred during such plan year, and
  - 2) only if the Participant applies for Reimbursement on or before September 30 December 31 of the next plan year.
- b) If any balance remains in the Participant's medical care assistance

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account for any Plan Year after all Reimbursements hereunder, such balance shall not be carried over to reimburse the Participant for Medical Care Expenses incurred during a subsequent Plan Year, and shall not be available to the Participant in any other form or manner.

c) Such balance shall be used to reimburse the Medical Care Assistance Plan for any reimbursements to Participants in excess of deposits that were not recovered as provided in Section 2120.610 of this Part.

d) Any remaining balance in the fund shall be distributed to the Health Insurance Reserve Fund.

(Source: Amended at 21 Ill. Reg. 2955, effective

FEB 21 1997)

## SUBPART H: MISCELLANEOUS

## Section 2120-760 Benefits Solely From General Assets

The benefits provided by this Plan will be paid solely solely from the general assets of the State. The State will not be required to maintain any fund or segregate any amount for the benefit of any Participant, and no Participant or other person shall have any claim against, right to, or security or interest in, any asset of the State from which any payment under the Plan may be made.

(Source: Amended at 21 Ill. Reg. 2955, effective

FEB 21 1997)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Local Health Protection Grant Rules
- 2) Code Citation: 77 Ill. Adm. Code 615
- 3) Section Numbers: Adopted Action:  
615-210 Amendment
- 4) Statutory Authority: Implementing and authorized by Division 5-25 of the Counties Code [55 ILCS 5]; the Public Health District Act [70 ILCS 905]; the Illinois Municipal Code [65 ILCS 5]; and Section 35 of the Civil Administrative Code of Illinois [40 ILCS 2310/35].
- 5) Effective Date of Amendments: February 20, 1997
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain any Incorporation by Reference? Yes
- 8) Date Filed in Agency's Principal Office: February 20, 1997
- 9) Date Notice of Proposed Amendments was Published in the Illinois Register: 20 Ill. Reg. 9814 - March 1, 1996
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No
- 11) Difference Between Proposal and Final Version: Changes made to this rulemaking during the first notice period include:

An increase in the minimum annual local health protection grant award to local health departments from \$22,500 to \$24,500 and new provisions for minimum annual grant awards for multi-county local health departments.

The addition of a new method for calculating annual grant awards for local health departments that participated in the program during FY 1996. The method will restore all such health departments to their highest calculated annual grant awards received during the three-year period from FY 1994 through FY 1996.

The addition of a new method to be applied after all affected local health departments have been restored to their highest previous level. The new method will allocate any additional funds available to the State to the affected departments on a pro-rata basis. The new method will be based upon the populations of the local health departments' jurisdictions and 50% based upon the numbers of persons with incomes below 200% of the Federal Poverty Level within local health departments' jurisdictions.

The addition of provisions for calculating grant awards for

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

newly-participating local health departments.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made and signed on a statement letter issued by the Joint Committee? All changes requested by the Joint Committee on Administrative Rules have been made.

- 13) Will the Rulesmaking Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? No

- 15) Summary and Purpose of Rulesmaking: The purpose of the Local Health Protection Grant program is to support a statewide system of local health departments to assure the protection of the public through the provision of various health protection programs. Local Health Protection Grants may be used by the participating local health department for any health protection program of service including, but not limited to, infectious diseases, food grants, and grants intended to supplement other Federal State and local funds available to support local health protection programs, including the four programs that must be assured for participation. provided the four programs are assured, the local health department may use the Grant funds for any health protection program, activity or service, or for shared management or administrative support costs.

This Rulesmaking:

Increases the minimum annual local health protection grant award to local health departments (LHDs) from \$22,500 to \$24,500 and adds new provisions for minimum annual grant awards for multi-county local health departments.

Adds a new method for calculating annual grant awards for local health departments that participated in the program during FY 1996. The method will restore all such health departments to their highest calculated annual grant awards received during the three-year period from FY 1994 through FY 1996

Adds a new method to be applied after all affected local health departments have been restored to their highest previous level. The new method will allocate any additional funds available after restoration to achieve the following cumulative allocation: 50% of annual funds based upon the populations of the local health departments' jurisdictions and 50% based upon the numbers of persons with incomes below 200% of the Federal Poverty Level within local health departments' jurisdictions.

Adds provisions for calculating grant awards for newly-participating

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local health departments.

For multi-county LHDs, ensures that each receives no less than it would as an individual county health department.

Allows the Department to establish a maximum grant award.

Allows the Department to establish a maximum allowable annual % change (either increase or decrease) in the total grant award for participating local health departments. Any decision to impose such limits may not be made by the Department without granting the Illinois Association of Public Health Administrators advance notice and an opportunity for comment.

- 16) Information and Questions Regarding this Adopted Rulesmaking Should be Directed to:

Gail M. Devito  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
(217) 782-6187.

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 77: PUBLIC HEALTH

## CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

## SUBCHAPTER B: LOCAL HEALTH DEPARTMENTS

## PART 615

## LOCAL HEALTH PROTECTION GRANT RULES

## SUBPART A: GENERAL

Section  
615-100  
Definitions  
615-110  
Incorporated Materials

## SUBPART B: ADMINISTRATION OF LOCAL HEALTH PROTECTION GRANTS

Section  
615-200  
Eligibility  
615-210  
Purpose and Distribution Award-and-Use of Grant Funds  
615-220  
Review and Consultation; Plan of Correction  
615-230  
Waiver of Requirements

## SUBPART C: PROGRAM STANDARDS

Section  
615-300  
Infectious Diseases  
615-310  
Potable Water Supply  
615-320  
Private Sewage Disposal  
615-330  
Common Requirements

## SUBPART D: DUE PROCESS

Section  
615-400  
Denial, Suspension or Revocation of Grant Application or Grant Agreement  
615-410  
Procedures for Hearings

APPENDIX A Recommended Policies and Procedures for Immunization Clinics  
AUTHORITY: Implementing and authorized by Division 5-25 of the Counties Code (55 ILCS 5); the Public Health District Act (70 ILCS 203); the Illinois Municipal Code (65 ILCS 5); and Section 55 of the Civil Administrative Code of Illinois [20 ILCS 2310/55].

SOURCE: Filled October 20, 1977; Part repealed, new Part adopted at 5 Ill. Reg. 1415, effective July 1, 1981; codified at 8 Ill. Reg. 16335; amended at 14 Ill. Reg. 805, effective January 1, 1990; Part repealed, new Part adopted by emergency rules at 17 Ill. Reg. 13002, effective July 21, 1993, for a maximum

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of 150 days; emergency expired on December 19, 1993; Part repealed, new Part adopted at 18 Ill. Reg. 4320, effective March 1, 1994; emergency amendment at 20 Ill. Reg. 3974, effective February 16, 1996, for a maximum of 150 days; emergency expired on July 15, 1996; amended at 21 Ill. Reg. 2960, effective FEB 20 1996.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

## SUBPART B: ADMINISTRATION OF LOCAL HEALTH PROTECTION GRANTS

## Section 615.210 Purpose and Distribution Award-and-Use of Grant Funds

- a) The purpose of the Local Health Protection Grant Program is to support the administration of local health departments in the provision of various health protection programs. Local Health Protection Grants may be used by the participating local health department for any health protection program or service including, but not limited to, Infectious Diseases, Food Protection, Potable Water Supply, and Private Sewage Disposal. The Grants are intended to supplement other Federal, State and Local funds available to support local health protection programs, including the four programs that must be assured for participation. Provided the four programs are assured, the local health department may use the Grant funds for any health protection program, activity or service, or for shared management or administrative support costs.
- b) The Department shall award Local Health Protection Grant funds using a methodology developed in cooperation with the Illinois Association of Public Health Administrators. The methodology used shall include the final determination of the methodology used. The allocation methodology shall be based upon the following criteria: population; number of persons with incomes below 200 percent of the Federal Poverty Level; and historical grant award levels.
- c) Local health departments participating in the Local Health Protection Grant Program shall receive annual grant awards calculated by one of the following methods:
- Restoration to FY 1994 through FY 1996 Grant Award Levels. The first priority for Local Health Protection Grant funds shall be to restore all local health departments participating during FY 1996 to their highest annual grant awards received during the three-year period from FY 1994 through FY 1996.
  - For those local health departments that received their highest calculated annual grant award in FY 1996 or subsequent years, restoration will be necessary in FY 1997 or subsequent years.
  - For local health departments that received their highest calculated annual grant awards during FY 1994 or FY 1995, added funds will be allocated in FY 1997 and subsequent

## DEPARTMENT OF PUBLIC HEALTH

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years until all calculated grant awards are restored. Any added funds available for such restoration will be allocated to local health departments in direct proportion to each of their FY 1994 through FY 1996 and their most recent calculated annual award.

- C) In FY 1998 and subsequent years, if the funds remaining for such restoration or total grant funds available for allocation are decreased from the FY 1997 level so that calculated grant awards must be decreased from the previous year, reductions will be allocated to participating local health departments to achieve parity relative to their highest calculated FY 1994 through FY 1996 annual awards.

- 2) After restoration. After all local health departments participating during FY 1996 have been restored to their highest calculated annual grant awards received during the three-year period from FY 1994 through FY 1996, any additional funds available shall be allocated to participating local health departments to achieve the following cumulative allocation:

- A) Fifty percent (50%) of the annual local health protection grant awards shall be allocated to local health departments of the local health departments' jurisdictions; and
- B) Fifty percent (50%) of the annual grant funds shall be allocated based upon the numbers of persons with income below 200% of the Federal Poverty level within local health departments' jurisdictions.

- 3) Minimum and Maximum Grant Awards. This subsection applies to all participating local health departments.

- A) Subject to the availability of funds, the minimum FY 1997 grant award to any participating local health department shall be \$24,000 annually; the minimum annual grant award to any participating multi-county local health department shall be \$24,000 times the number of counties in the multi-county local health department.

- B) If available grant funds increase in subsequent fiscal years, the Department shall raise the minimum annual grant awards for participating single-county or partial-county local health departments by the same percentage as the increase in the total grant funds available for local health departments; however, the minimum annual grant award for any single-county or partial-county local health department shall not exceed \$50,000.

- C) If available grant funds increase in subsequent fiscal years, the Department shall gradually raise the minimum annual grant awards for participating multi-county local health departments as the total grant funds available for previously-participating local health departments increase;

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however, the minimum grant awards for multi-county local health departments shall not exceed the following: \$100,000 for two-county health departments; \$200,000 for three-county health departments; \$300,000 for four-county health departments; \$400,000 for five-county health departments; \$500,000 for six-county health departments or any multi-county health department with more than six counties.

- D) If the methodology will result in a local health department receiving a grant award that will unduly adversely affect the funding available to other local health departments, then the Department may establish a maximum grant award for that year. The maximum award shall be based on the total annual local health protection grant appropriation level, the allocation criteria, and/or the availability of other State or federal funds for performing the required programs described in Subpart C of this Part.

- 4) Newly-Participating Local Health Departments. This subsection applies only to local health departments that participate in the annual health protection grant program for the first time during FY 1997 or later.

- A) Local health departments that participate in the Grant program for the first time in FY 1997 shall receive FY 1997 grant awards consistent with the amounts calculated, budgeted and appropriated for such newly-participating local health departments. These FY 1997 awards shall serve as baseline awards for calculation of subsequent year awards, as delineated in subsection (c)(2) of this Section.

- B) For local health departments that participate in the Grant program for the first time in FY 1998 or later, initial grant awards shall be determined by the same methodology as those newly-participating in FY 1997, but may be inflated for any additional funds received after FY 1997. Thus, the minimum annual awards shall be: Carroll County, \$27,230; Clark County, \$28,210; Edwards County, \$24,000 or the current minimum award; Madison County, \$24,000 or the current minimum award; Madison County, \$28,260; Scott County, \$24,000 or the current minimum award; Warren County, \$33,129; and the balance of Champaign County, \$300,418.

- 5) Multi-County Local Health Departments. The annual grant award for each participating multi-county local health department shall equal or exceed the sum of the annual grant awards that its individual counties could receive as single-county health departments, unless the multi-county local health department's grant award is determined by Section 615.210(c)(3)(C) which supersedes this subsection.

- 6) Maximum Annual Change. The Department may impose a maximum

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allowable annual percentage change (% increase or % decrease) in the total grant award for participating local health departments. Such limits shall not be imposed from one year to the next without obtaining the Illinois Association of Public Health Administrators' advance notice and an opportunity to comment. The Department's decision to increase or decrease the limits shall be based on the needs of local health departments and the State's financial needs of participating local health departments. The adequacy of other funding available to local health departments, the availability of Local Health Protection Grant funds for that year, the inflation rate, and other issues affecting the fair distribution of grant funds.

- d) Prior to the award of grant funds, the Department and the local health department shall execute a grant agreement wherein the local health department, at a minimum, agrees to:

1) fulfill the requirements of this Part; and  
2) provide program statistical information to the Department. The Illinois Association of Public Health Administrators.

- e) The Department shall award local health protection grant funds using a method of selection and operation which is consistent with the Illinois Public Health Administration, which is that the local health department's criteria: population, per capita income, and per capita assessed valuation:

i) the minimum grant award to any participating local health department shall be \$22,500; the Department may also establish maximum annual grant awards dependent upon the total annual local health protection grant appropriation level; the three allocation criteria and/or the availability of other State or federal funds for performing the required program standards in this Part.

- 2) Application of the Criteria: After setting aside any amounts for minimum and/or maximum grant awards:

- A) Fifty percent (50%) of the annual local health protection grant funds shall be allocated based upon the population of the local health departments' jurisdictions.  
B) Forty percent (40%) of the annual grant funds shall be allocated based upon the per capita income of the local health departments' jurisdictions.

Those local health departments serving jurisdictions with less than the statewide average per capita income will receive an allocation for this criterion which is directly proportional to the difference between the statewide average per capita income and their jurisdiction's per capita income level.

- C) Ten percent (10%) of the annual grant funds shall be

DEPARTMENT OF PUBLIC HEALTH  
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allocated based upon the per capita assessed valuations of local health departments' jurisdictions.

Those local health departments serving jurisdictions with less than the statewide average per capita assessed valuation will receive an allocation for this criterion which is directly proportional to the difference between the statewide average per capita assessed valuation and their jurisdiction's per capita assessed valuation level.

- b) Prior to the award of grant funds, the Department and the local health department shall execute a grant agreement wherein the local health department, at a minimum, agrees to:

i) fulfill the requirements of this Part; and  
2) provide program statistical information to the Department. The Illinois Association of Public Health Administrators.

- e) Local Health Protection Grants may be used by the local health department for any health protection program or service including but not limited to: infectious disease, food protection, potable water supply, other food safety, state and local funds available to support public health protection activities including the local health department's health protection program. Provided the four programs are assessed, the local health department may use the grant funds for any health protection program activity or service or for shared management or administrative support costs.

(Source: Amended at 21 Ill. Reg. 2960, effective FEB 20, 1984)

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers:  
Emergency Action:  
New Section  
100-9710
- 4) Statutory Authority: 35 ILCS 5/101 (see P.A. 89-711)
- 5) Effective Date of Amendments: February 24, 1997
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This Emergency Amendment will remain in effect for the 150 day period.
- 7) Date filed in Agency's Principal Office: February 24, 1997

8) Reason for Emergency: P.A. 89-711 amends the definition of the term "financial organization" found in Section 1501(a)(8) of the Illinois Income Tax Act (ITA). The Act makes no effect upon becoming law. Governor Edgar approved the Act on February 14, 1997.

The Act provides that the revised definition is declaratory of existing law and, for taxable years beginning on or before December 31, 1996, applies "to all original returns (and) to all amended returns filed no later than 30 days after the effective date of this amendatory Act...." A taxpayer who has filed an original return for a taxable year beginning on or before December 31, 1996, adopting a position contrary to the provisions of the Act and who desires to file an amended return complying with the Act must do so on or before March 17, 1997.

In addition, for tax years beginning on or before December 31, 1996, the Act allows taxpayers to make an irrevocable election to use the definition of financial organization set forth in the Department's proposed rules of July 19, 1996 (20 Ill. Reg. 9488) in determining not to be treated as a financial organization for those years. The Act provides that this election may not be made under a refund claim filed more than 30 days after the effective date of the Act.

It is necessary to publish rules to explain the effects of filing a timely amended return conforming to the provisions of this Act for a taxable year beginning on or prior to December 31, 1996, and to explain the manner in which the election to follow the proposed regulations must be made by taxpayers. Because such amended returns and any elections involving refunds must be made within 30 days after the effective date of the Act, it is not possible to utilize the normal rulemaking procedures of the Illinois Administrative Procedure Act. A failure to adopt rules on the manner of making these elections would constitute a threat to the public

## DEPARTMENT OF REVENUE

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interest and welfare. Without guidance as to the manner in which the elections must be made, taxpayers might be precluded from making the elections to which they are entitled under the law.

- 9) A Complete Description of the Subjects and Issues Involved: P.A. 89-711 amended the definition of the term "financial organization" found in Section 1501(a)(8) of the Illinois Income Tax Act. New subsection 1501(a)(8)(B) amends the definition of the term "bank" and new subsection (C) amends the definition of "sales finance company." The amendments are stated by the General Assembly to be declaratory of existing law. The legislation provides, in subsection 1501(a)(8)(D), that the amendment applies retroactively "for all tax years beginning on or before December 31, 1996, to all original returns, (and) to all amended returns filed no later than 30 days after the effective date of the amendatory Act."

This rulemaking provides guidance for filing amended returns conforming to the provisions of IIR Sections 1501(a)(8)(B) and (C).

Subsection 1501(a)(8)(E) states that a taxpayer that falls within the definition of "financial organization" under subsection (B) or (C), but did not fall within the definition of "financial organization" under the proposed rules proposed by the Department on July 19, 1996 (20 Ill. Reg. 9488), may irrevocably elect to apply the proposed regulation for all tax years beginning on or before December 31, 1996. The election applies only to the taxpayer making the election and to those members of the taxpayer's unitary business group who are ordinarily required to apportion business income under the same subsection of Section 304 of the Illinois Income Tax Act as the taxpayer making the election. The Act states that no such election shall be made under a claim for refund filed under Section 909(d) of the Illinois Income Tax Act more than 30 days after the effective date of the Act.

This rulemaking establishes the procedures for making the election to apply the proposed rules issued on July 19, 1996, and provides guidance on the effects of making such election.

- 10) Are there any amendments to this Part pending? No

- 11) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State Mandate, nor modifies an existing Mandate.

- 12) Information and questions regarding this amendment shall be directed to:

Paul Caseiton  
Senior Counsel - Income Tax  
Illinois Department of Revenue  
Legal Services Bureau  
101 West Jefferson, 5-500

DEPARTMENT OF REVENUE  
 NOTICE OF EMERGENCY AMENDMENTS  
 Springfield, Illinois 62708  
 Phone: (217) 785-7055

The full text of the Emergency Amendments begins on the next page:

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TITLE 86: REVENUE

PART 100  
 INCOME TAX

SUBPART A: TAX IMPROVED

Section  
 100.2000 Introduction  
 100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section  
 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))  
 100.2101 Replacement Tax Investment Credit (IITA 201(e))  
 100.2110 Investment Credit; Enterprise Zone (IITA 201(f))  
 100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))  
 100.2130 Investment Credit; High Impact Business (IITA 201(h))  
 100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))  
 100.2150 Training Expense Credit (IITA 201(j))  
 100.2160 Research and Development Credit (IITA 201(k))  
 100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)  
 100.2180 Credit for Residential Real Property Taxes (IITA 208)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS  
 OCCURRING PRIOR TO DECEMBER 31, 1986

Section  
 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope  
 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions  
 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses: Officers and Members Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards  
 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net

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Operating Loss in Computing Illinois Base Income  
 Net Operating Losses Occurring Prior to December 31, 1986, of  
 Unitary Business Groups: Treatment by Members of the Unitary  
 Business Group: (IITA Section 202) - Deadline for Filing Claims  
 Based on Net Operating Losses Carried Back from a Combined  
 Apportionment Year

## SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER

DECEMBER 31, 1986

Section  
 100.2300 Illinois Net Loss Deductions for Losses Occurring On or After  
 December 31, 1986  
 100.2310 Computation of the Illinois Net Loss Deduction  
 100.2320 Determination of the Amount of Illinois Net Loss Carryovers  
 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers  
 100.2340 Illinois Net Loss Deductions of Corporations That are Members of a  
 Unitary Business Group: Separate Unitary Versus Combined Unitary  
 Returns  
 100.2350 Illinois Net Loss Deductions of Corporations that are Members of a  
 Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS,  
CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section  
 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois  
 Law, the Illinois or U.S. Constitutions, or by Reason of U.S.  
 Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(C),  
 203(c)(2)(K) and 203(d)(2)(C))

## SUBPART F: BASE INCOME OF INDIVIDUALS

Section  
 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5),  
 203(a)(2)(S) and 203(a)(2)(T))  
 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air  
 Carriers and Water Carriers

## SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section  
 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set  
 Aside for Charity

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF  
BASE INCOME

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Terms Used in Article 3 (IITA Section 301)  
 Business and Nonbusiness Income (IITA Section 301)  
 Resident (IITA Section 301)

## SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section  
 100.3000 Compensation (IITA Section 302)  
 100.3100 State (IITA Section 302)  
 100.3110 Allocation of Compensation Paid to Nonresidents (IITA Section 302)  
 100.3120

## SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section  
 100.3200 Taxability in Other State (IITA Section 303)  
 100.3210 Commercial Domicile (IITA Section 303)  
 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other  
 than Residents (IITA Section 303)

## SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section  
 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)  
 100.3310 Business Income of Persons Other than Residents (IITA Section  
 304) - General  
 100.3320 Business Income of Persons Other than Residents (IITA Section  
 304) - Apportionment  
 100.3330 Business Income of Persons Other than Residents (IITA Section  
 304) - Allocation  
 100.3340 Business Income of Persons Other than Residents (IITA Section 304)  
 100.3350 Property Factor (IITA Section 304)  
 100.3360 Payroll Factor (IITA Section 304)  
 100.3370 Sales Factor (IITA Section 304)  
 100.3380 Special Rules (IITA Section 304)  
 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section  
 304(f))

## SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section  
 100.5000 Time for Filing Returns: Individuals (IITA Section 505)  
 100.5010 Place for Filing Returns: All taxpayers (IITA Section 505)  
 100.5020 Extensions of Time for Filing Returns: All taxpayers (IITA Section  
 505)  
 100.5030 Taxpayer's Notification to the Department of Certain Federal Changes  
 Arising in Federal Consolidated Return Years, and Arising in Certain  
 Loss Carryback Years (IITA Section 506)

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## SUBPART O: COMPOSITE RETURNS

Section  
 100-5100 Composite Returns: Eligibility  
 100-5110 Composite Returns: Responsibilities of Authorized Agent  
 100-5120 Composite Returns: Individual Liability  
 100-5130 Composite Returns: Required forms and computation of Income  
 100-5140 Composite Returns: Estimated Payments and Interest  
 100-5150 Composite Returns: Tax Credit for Individuals  
 100-5160 Composite Returns: Credit for Individuals  
 100-5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

## SUBPART P: COMBINED RETURNS

Section  
 100-5200 Election to File a Combined Return  
 100-5210 Procedure for Making the Election  
 100-5220 Designated Agent for the Members  
 100-5230 Combined Estimated Tax Payments  
 100-5240 Claims for Credit of Overpayments  
 100-5250 Liability for Combined Tax, Penalty and Interest  
 100-5260 Combined Amended Returns  
 100-5270 Depreciation of Combined Income and Tax  
 100-5280 Deductions and Miscellaneous Provisions Relating to Combined Returns

## SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section  
 100-7000 Requirement of Withholding (IITA Section 701)  
 100-7010 Compensation paid in this State (IITA Section 701)  
 100-7020 Transacting Business Within this State (IITA Section 701)  
 100-7030 Payments to Residents (IITA Section 701)  
 100-7040 Employer Registration (IITA Section 701)  
 100-7050 Computation of Amount Withheld (IITA Section 701)  
 100-7060 Additional Withholding (IITA Section 701)  
 100-7070 Boundary Withholding (IITA Section 701)  
 100-7080 Consequences of Noncompliance or Overwithholding (IITA Section 701)  
 100-7090 Reciprocal Agreement (IITA Section 701)  
 100-7095 Cross References

## SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section  
 100-7100 Withholding Exemption (IITA Section 702)  
 100-7110 Withholding Exemption Certificate (IITA Section 702)  
 100-7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

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## SUBPART S: INFORMATION STATEMENT

Section  
 100-7200 Reports for Employee (IITA Section 703)

## SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section  
 100-7200 Returns of Income Withheld from Wages (IITA Section 704)  
 100-7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)  
 100-7320 Time for Filing Returns (IITA Section 704)  
 100-7330 Payment of Tax Deducted and Withheld (IITA Section 704)  
 100-7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

## SUBPART U: COLLECTION AUTHORITY

Section  
 100-9000 General Income Tax Procedures (IITA Section 901)  
 100-9010 Collection Authority (IITA Section 901)

## SUBPART V: NOTICE AND DEMAND

Section  
 100-9100 Notice and Demand (IITA Section 902)

## SUBPART W: ASSESSMENT

Section  
 100-9200 Assessment (IITA Section 903)  
 100-9210 Waiver of Restrictions on Assessments (IITA Section 907)

## SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section  
 100-9300 Deficiencies and Overpayments (IITA Section 904)  
 100-9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 905)  
 100-9320 Limitations on Notices of Deficiency (IITA Section 905)  
 100-9330 Further Notices of Deficiency Restricted (IITA Section 906)

## SUBPART Y: CREDITS AND REFUNDS

Section  
 100-9400 Credits and Refunds (IITA Section 909)  
 100-9410 Limitations on Claims for Refund (IITA Section 911)  
 100-9420 Recovery of Erroneous Refund (IITA Section 912)

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## SUBPART 2: INVESTIGATIONS AND HEARINGS

## Section

- 100-9500 Access to Books and Records (IITA Section 913)  
 100-9505 Access to Books and Records -- 60-day Letters (IITA Section 913)  
 100-9510 Taxpayer Representation and Practice Requirements  
 100-9520 Conduct of Investigations and Hearings

## SUBPART 4A: JUDICIAL REVIEW

## Section

- 100-9600 Administrative Review Law (IITA Section 1201)

## SUBPART BB: DEFINITIONS

## Section

- 100-9700 Unitary Business Group Defined (IITA Section 1501)  
 100-9710 Financial Organizations (IITA Section 1501(a)(8))

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## SUBPART CC: LETTER RULING PROCEDURES

## Section

- 100-9800 Letter Ruling Procedures

## APPENDIX A

## Business Income Of Persons Other Than Residents

## TABLE 2 A

Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 P. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 13, effective April 1, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986;

amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4598, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 886, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 886, effective December 22, 1992; amended at 17 Ill. Reg. 7776, effective August 9, 1993; codified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days.

## SUBPART BB: DEFINITIONS

## Section 100-9710 Financial Organizations (IITA Section 1501(a)(8))

## EMERGENCY

a) P.A. 89-711 amended IITA Section 1501(a)(8), the definition of the term "financial organization." As amended:

- 1) the term "bank" includes
  - A) any entity that is regulated by the Comptroller of the Currency under the National Bank Act, or by the Federal Reserve Board, or by the Federal Deposit Insurance Corporation and
  - B) any federally or State chartered bank operating as a credit card bank (IITA Section 1501(a)(8)(B)) and
- 2) the term "sales finance company" means a person primarily engaged in the business of purchasing or making loans upon the security of retail installment contracts or retail charge agreements or the outstanding balances under such contracts or agreements. The term includes but is not limited to persons:
  - A) to whom the Sales Finance Agency Act is rendered applicable by subsection (a)(17) thereof;
  - B) engaged in consumer sales finance activities governed by the

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*Sales Finance Agency Act or that would be governed by that Act if conducted in this State;*

- C) *engaged in activities governed by the Retail Installment Sales Act, including the making or purchasing of retail installment contracts or agreements for "goods" or "services" as defined in that Act, or activities that would be governed by that Act if conducted in this State;*
  - D) *engaged in activities governed by the Motor Vehicle Installment Sales Act or that would be governed by that Act if conducted in this State;*
  - E) *engaged in commercial finance activities governed by the Illinois Uniform Commercial Code or that would be governed by that Code if conducted in this State; or*
  - F) *engaged in the finance leasing of tangible personal property where "finance leasing" is activity that is the economic equivalent of an extension of credit and for which a deduction for depreciation under Section 167 of the Internal Revenue Code of 1986 is not available to a lessor, (ITPA Section 1501(a)(8)(C)).*
- 3) Application of ITPA Sections 1501(a)(8)(B) and (C) to taxable years beginning on or before December 31, 1996. The General Assembly declared that ITPA Section 1501(a)(8)(D), that the definitions of the terms "bank" and "sales finance company" in ITPA Sections 1501(a)(8)(B) and (C) are declaratory of existing law and shall be retroactively for all tax years beginning on or before December 31, 1996.
- 1) For taxable years beginning on or before December 31, 1996, P.A. 89-711 provides that the definitions of "bank" and "sales finance company" shall apply:
    - A) to all original returns
    - B) to all amended returns filed within 30 days of the effective date of the Act;
    - C) to all math error notices issued by the Department under ITPA Section 903(a);
    - D) to all notices of deficiency issued by the Department under ITPA Section 904(a);
    - E) to all notices of denial of refund claims issued under ITPA Section 905(a); and
    - F) to all assessments of erroneous refunds made under ITPA Section 912.
  - 2) P.A. 89-711 imposes no time limit for the filing of an original return and any provisions to taxable years beginning on or prior to December 31, 1996. Accordingly, taxpayers may file original returns claiming financial organization status under the amended definitions of "bank" and "sales finance company" at any time, provided only that such returns are filed within the applicable statute of limitations period and meet all other relevant requirements of the ITPA.

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- 3) Taxpayers who must file amended returns in order to claim financial organization status for a taxable year beginning on or prior to December 31, 1996, must do so within 30 days after the effective date of P.A. 89-711. The effective date of Act is February 14, 1997, and the last day for filing such amended returns is March 17, 1997. 5 ICS 70/111.
- A) Taxpayers must identify all amended returns so filed by writing at the top of the return "Financial Organization Amended Return".
- B) Amended returns must comply with all requirements for any amended return, and are subject to the limitations on claims for refund as set forth in ITPA Section 911.
- C) A separate amended return must be filed for each year for which the taxpayer intends to claim status as a financial organization under Section 1501(a)(8)(D).
- D) Combined returns. If a taxpayer was a member of a unitary business group which (ignoring the prohibition in ITPA Section 1501(a)(27) against including taxpayers affiliating in business income under different subsections of ITPA Section 304 in the same unitary business group) included members who are not financial organizations, and was included on a combined return with such members for any year to which P.A. 89-711 is to be applied retroactively, the taxpayer must file a separate amended return for each year in which the combined group must also file an amended return for each such year. If the taxpayer, as the result of qualifying as a financial organization under ITPA Section 1501(a)(8)(C) or (D), becomes a member of a unitary business group with one or more other financial organizations, and either the taxpayer or the other financial organizations had elected to or were required to file a combined return for any year to which P.A. 89-711 is to be applied retroactively, such unitary business group must join in the filing of a combined amended return for each such year. All amended returns required under this subsection 1501(a)(8)(D) must be filed together in order to perfect a claim for refund resulting from the retroactive application of ITPA Section 1501(a)(8)(C) or (D) with respect to any member of a unitary business group.
- E) In order to apply P.A. 89-711 retroactively to a taxable year for which a taxpayer did not claim financial organization status on an original return, an amended return must be filed by the taxpayer even if the taxpayer determines that it would not have been required to file an original return had it determined that it was a financial organization at the time of the original filing.
- F) In the case of a taxpayer which had claimed financial organization status on an original or amended return, and whose

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status as a financial organization was denied by the Department. IITA Section 1501(a)(18)(D) provided that the amended definition of "bank" and "sales finance company" is only to the Notice of Deficiency or notice of denial of refund claim issued by the Department after review of such return.

A) If the Notice of Deficiency or notice of denial has not become final, a taxpayer with a matter pending before the Office of Administrative Hearings of the Illinois Department of Revenue for a particular taxable year may raise as an issue the taxpayer's status as a "bank" or "sales finance company" by the making of a motion in conformance with the rules on motion practice as set forth in Section 200.185 of this Title.

B) If the Notice of Deficiency or notice of denial has become final, and the taxpayer is not contesting the Department's action in the courts under the Administrative Review Law 1735 ILCS 5/Att. III or the State Officers and Employees Money Disposition Act 130 ILCS 230/1, the taxpayer must file a written amended return under Section 1501(a)(18)(D) above in order to assert a claim that it qualified as a "bank" or "sales finance company" under the amended definitions.

C) A taxpayer with a matter pending before the courts of this State for a particular taxable year must request treatment as a "bank" or "sales finance company" by the making of a motion in conformance with the rules of the court.

C) Election to be treated as a non-financial organization under IITA Section 1501(a)(18)(E). IITA Section 1501(a)(18)(E) provides that, for all taxable years beginning on or before December 31, 1996, a taxpayer that falls within the definition of a "financial organization" under Section 1501(a)(18)(B) or (C) of the IITA, but who does not fall within the definition of a financial organization under the Proposed Regulations issued by the Department of Revenue on July 19, 1996 (20 Ill. Reg. 3488) may irrevocably elect to apply the Proposed Regulations for all of those years as though the Proposed Regulations had been lawfully promulgated, adopted, and in effect for all of those years.

1) In order to support a claim for refund, the election must be filed by March 17, 1997.

2) A taxpayer may make the election by filing an amended return for all open years. In order for such election to be sufficient to support a claim for refund:

A) The taxpayer must identify each amended return filed pursuant to this election by writing at the top of the return "Financial Organization Election to Apply Proposed Rules under P.A. 89-711";

B) The amended return must meet all requirements of the IITA, including timeliness.

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C) If the taxpayer was a member of a unitary business group before making the election or becomes a member of a unitary business group as the result of making the election, all members of such unitary business groups whose Illinois Income Tax liability is affected by the election must also file timely amended returns reflecting the election. All amended returns required under this subsection (c) must be filed together.

3) In order to allow taxpayers time to file all claims for all open years, a taxpayer may also make the election and reserve the right to claim any resulting refunds by filing a notice of election (the "election document") meeting the following requirements:

A) The election document must state on the first page "Financial Organization Election to Apply Proposed Rules Under P.A. 89-711 -- Refund Claim."

B) Filing of an election document, the taxpayer agrees, and the taxpayer acknowledges, that the extension of any otherwise unexpired statute of limitations for any period covered by the election through March 17, 1998. The taxpayer or authorized officer of the taxpayer shall in a writing state affirmatively that he or she agrees to the extension of the statute of limitations for this period.

The election document must list all taxable years to which the extension of the statute of limitations in subsection (C)(3)(B) above shall apply as well as any taxable years for which claims or protests are pending. This listing is for the benefit of the Department, which may apply the election to any taxable year beginning on or before December 31, 1996, which is not listed in the election document either by enforcing the agreement to extend the statute of limitations for such year or by offsetting any underpayment of Illinois income tax for that year to the extent such underpayment results from applying the election. Against any refund or credit resulting from the election, the taxpayer shall be entitled to the making of the election of making the election.

D) The election document must list all members of any unitary business group to which the taxpayer would belong, ignoring the prohibition in IITA Section 1501(a)(27) against inclusion in the same unitary business group of taxpayers required to allocate business income under different subsections of IITA Section 304. The election potentially affects all members of such unitary business groups, and the election and the agreement to extend the statute of limitations shall be enforceable against all such members, whether or not listed, either directly or by offsetting any refund payable to the taxpayer as the result of the election by any underpayment of any member of such unitary business

## DEPARTMENT OF REVENUE

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- ious which results from the making of the election.
- E) The election document must state that all members of the unitary business group to whom the election applies. IITA Section 1901(a)(18) provides that the election applies to those members of the taxpayer's unitary business group who are ordinarily required to apportion business income under the same subsection of Section 304 of the Act. The election shall be binding on all such members, whether or not listed, and the Department may enforce such election either directly or by offsetting any refund payable to the taxpayer as the result of the election by any underpayment of any other taxpayer to whom such election also applies to the extent such underpayment results from the making of the election. The provisions of this subsection (c)(13) allowing the Department to offset a refund by an underpayment shall allow the Department to either reduce any refund payable by the amount of such underpayment or to add such underpayment and penalties, or to assess the amount of such underpayment, including interest and penalties, against any such refund which has been paid as an erroneous refund under IITA Section 912.

- 4) A taxpayer who has filed an original or amended return for any taxable year beginning on or before December 31, 1996, as a non-financial organization and that wishes to elect to be bound by the July 19, 1996, proposed rules solely for the purpose of preserving its return position, and not for purposes of claiming a refund for any year, may file an election document meeting the following requirements:
- The election document must state on the first page "The election document is submitted to Apply Proposed Rules Under P.A. 89-711, No. Refund Claim."
  - The election document must be filed prior to the issuance of any Notice of deficiency or notice of claim denial which is based in whole or in part on the retroactive application of P.A. 89-711 to treat the taxpayer as a financial organization.
  - The election document must list all members of the unitary business group to whom the election applies. The election shall be binding on all such members, whether or not listed, and the Department may enforce such election against such members. In addition, no refund claimed after the effective date of P.A. 89-711 shall be allowed to the extent such refund results from the application of the July 19, 1996, proposed rules to any such member.
- 5) All elections submitted under the July 19, 1996, proposed rules, whether made by amended return or by an election document, shall be sent to the following address:

## DEPARTMENT OF REVENUE

## NOTICE OF EMERGENCY AMENDMENTS

Paul Caselton  
Senior Counsel — Income Tax  
Treasurer's Office — Revenue  
Illinois Department of Revenue  
P.O. Box 19014  
Springfield, Illinois 62794-9014

## DEPARTMENT OF EMPLOYMENT SECURITY

JANUARY 1997 REGULATORY AGENCY

- a) Part(s) [Heading and Code Citation]: Claims, Adjudication, Appeals and Hearings, 56 Ill. Adm. Code 2720

1) Rulemaking(s):

- A) Description: The Agency is planning to introduce the use of telephone certification in the next year. Under this initiative, claimants would use a touch-tone telephone to enter their bi-weekly certification information into the Agency's computer system. This would eliminate the need to mail paper documents to the claimant and then to data enter responses into the Agency's computers. Rules need to be amended to provide for this system and to alert claimants of the need to maintain lists of job contacts since it is not feasible to require entry of such lists through the use of the telephone.

- B) Statutory Authority: 820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304.

- C) Scheduled meeting/hearing date: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Employment Security in writing by interested persons during the First Notice Period.

- D) Date(s) agency anticipates First Notice(s): None

- E) Affect on small business, small municipalities or not for Profit corporations: None

- F) Agency contact person for information:

Gregory J. Rasel, Deputy Legal Counsel  
Illinois Department of Employment Security  
401 South State Street - 2nd Floor South  
Chicago, IL 60605  
312-793-4240

- G) Related rulemakings and other pertinent information: None

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

JANUARY 1997 REGULATORY AGENCY

- a) Part(s) [Heading and Code Citation]: Data Collection [77 Adm. Code 2510]

1) Rulemaking:

- A) Description: All Rules will be reviewed and purged of outdated citations; the additional language will be added and the outdated rules will be removed to reflect changes occurring in the period from initial rule development to the present as well as House Bill 2587.

- B) Statutory Authority: Implementing and authorized by the Illinois Health Finance Report Act.

- C) Scheduled meeting/hearing date: Emergency Rules will be filed and the proposed rule changes will be reviewed in a public meeting of the Rules Committee of the Illinois Health Care Cost Containment Council (IHCCCC) in February 1997. The proposed rules will also be reviewed in public by the Council at its February 1997, meeting.

- D) Date agency anticipates First Notice: First Notice is planned to be on February 25, 1997.

- E) Affect on small businesses, small municipalities or not for Profit corporations: None

- F) Agency contact person for information:

Norman Roughley  
4500 South Sixth Street Road  
Springfield, IL 62703  
(217) 786-7001, Ext. 108

- G) Related rulemakings and other pertinent information: Rules revisions are intended as a general cleanup and in response to the passage of House Bill 2587 in order to keep rules language current and applicable to the changing healthcare environment.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 18, 1997 through February 25, 1997, and have been scheduled for review by the Committee at its March 18, 1997, meeting. Any suggestions or comments on these notices should be submitted to the Committee by March 18, 1997. If no suggestions or comments are received by this date, the Committee may also be considered a "debarred" member of the public with the understanding that with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4/3/97	Teachers' Retirement System, The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)	1/3/97 21 Ill Reg 362	3/18/97
4/4/97	Department of Public Aid, Medical Assistance Programs (89 Ill Adm Code 120)	8/23/96 20 Ill Reg 11472	3/18/97
4/4/97	Carnival-Amusement Safety Board, Carnival and Amusement Ride Inspection Law (56 Ill Adm Code 6000)	8/23/96 20 Ill Reg 11428	3/18/97
4/5/97	Capitol Development Board, Repeal of Illinois Accessibility Code (71 Ill Adm Code 400)	1/3/97 21 Ill Reg 1	3/18/97
4/5/97	Capitol Development Board, Illinois Accessibility Code (71 Ill Adm Code 400)	1/3/97 21 Ill Reg 45	3/18/97
4/5/97	State Employees' Retirement System, The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill Adm Code 1540)	1/3/97 21 Ill Reg 360	3/18/97
4/6/97	Department of Natural Resources, Commercial Fishing in Lake Michigan (17 Ill Adm Code 850)	1/3/97 21 Ill Reg 322	3/18/97

## PROCLAMATIONS

97-55

## CASIMIR PULASKI DAY

Whereas, Casimir Pulaski was born March 4, 1747, in Poland; and  
Whereas, Casimir Pulaski became a hero in the American Revolution when on October 9, 1779, at the siege of Savannah, he led a daring charge to reach the rear of the enemy entrenchment, suffering a mortal wound as a result; and

Whereas, Casimir Pulaski passed away on October 11, 1779, and his remains were buried in the Old Pulaski Cemetery in Savannah because of his unselfish heroism for the United States of America; and

Whereas, to restore the Pulaski Monument, a National Fundraising Baffle, a Commemorative Advertisement Book and a National Commemorative Dinner will be held; and

Whereas, March 4, 1997, will commemorate the 250th anniversary of Casimir Pulaski's birth;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 4, 1997, as CASIMIR PULASKI DAY in Illinois in honor of a great Polish American.

Issued by the Governor February 6, 1997.

Filed by the Secretary of State February 21, 1997.

97-56

## EMPLOY THE OLDER WORKER WEEK

Whereas, Illinois is pleased to promote and honor the state's invaluable older workers and their employers by participating in the National Employ the Older Worker Week celebration; and

Whereas, workers age 55 and older are a treasured resource and a major force in today's business community, and they bring with them a wealth of knowledge, years of employment experience and a strong work ethic; and

Whereas, the number of older workers is rapidly increasing, and business and industry are relying more and more on the older worker to meet the challenges of the changing workforce; and

Whereas, older workers provide the business community with excellent job skills, maturity, stability and leadership abilities that can significantly influence future generations; and  
Whereas, employers are increasingly recognizing the contributions of the older worker and are finding that a trained older workforce is vital to today's economy;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 9-15, 1997, as EMPLOY THE OLDER WORKER WEEK in Illinois, and I encourage all the citizens of Illinois to join with me to salute, "Older Workers--Making America Work."

Issued by the Governor February 6, 1997.

Filed by the Secretary of State February 21, 1997.

97-57

## LICENSED PRACTICAL NURSE WEEK

Whereas, the maintenance of good health care is of primary concern to

everyone; and

Whereas, the role of the licensed practical nurse in caring for people's health needs has advanced in responsibility and complexity; and

Whereas, the Licensed Practical Nurse Association of Illinois encourages the continuance of education to ensure competency among its members; and

Whereas, the Licensed Practical Nurse Association of Illinois is holding its annual convention May 4-8 in Springfield at the Holiday Inn East. This year's theme is "The Heartbeat of Nursing";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 4-8, 1997, as LICENSED PRACTICAL NURSE WEEK in Illinois in recognition of these dedicated men and women.

Issued by the Governor February 6, 1997.

Filed by the Secretary of State February 21, 1997.

97-58

**PAT CHAPEL DAY**

Whereas, Pat Chapel has been actively involved with the Volunteer Center of United Way in Champaign, Illinois, since 1973; and

Whereas, in 1984, Pat Chapel founded the Council for Volunteerism, a council of more than 65 organizations dedicated to supporting people who work with and manage volunteer programs; and

Whereas, she created and published "The Best of the Best in Volunteer Administration" and for two decades presented training programs on managing volunteer programs; and

Whereas, she designed and implemented the Corporate Good Citizen Award and the Volunteer Excellence Awards; and

Whereas, she assisted with the design of the statewide literacy program;

and

Whereas, in 1992, Chapel designed Make A Difference Day, which won the first place Governor's Award. The project collected personal supplies for the area's seven shelters, with approximately 40,000 participants donating more than \$150,000 worth of products; and

Whereas, in 1993, her Volunteer Center was one of four organizations in the nation selected by the Points of Light Foundation to test The Changing Paradigm, a landmark project resulting in new models of working effectively with volunteers; and

Whereas, under Chapel's direction, the Volunteer Center was one of 11 organizations honored by USA Weekend and the Points of Light Foundation in 1994 for its efforts to coordinate more than 200 projects with 15,000 participants;

and

Whereas, after many years of service to the Volunteer Center of United Way, Pat Chapel will celebrate her retirement at an Open House on February 19, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 19, 1997, as PAT CHAPEL DAY in Illinois.

Issued by the Governor February 6, 1997.

Filed by the Secretary of State February 21, 1997.

97-59

**ROCKFORD COLLEGE DAY**

Whereas, Rockford College was created by an act of the Illinois General Assembly on February 25, 1847; and

Whereas, Rockford College has educated thousands of men and women in the liberal arts and civic disciplines; and

Whereas, Rockford College alumni have distinguished themselves in many fields; and

Whereas, Rockford College has made and continues to make significant contributions to the intellectual, cultural and social well-being of the State of Illinois; and

Whereas, Rockford College will celebrate its 150th anniversary from February through September 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 21, 1997, as ROCKFORD COLLEGE DAY in Illinois.

Issued by the Governor February 6, 1997.

Filed by the Secretary of State February 21, 1997.

97-60

**DR. SAUL MACKOFF DAY**

Whereas, Saul Mackoff was born in Bratislava, Ukraine, and escaped with his family during the Russian Revolution; and

Whereas, he immigrated to the United States after World War I; he joined other family members in Spokane, Washington, where he received his primary and secondary education; and

Whereas, he attended Northwestern University in Evanston, Illinois, and graduated from the Northwestern Medical School in 1933; and

Whereas, Dr. Mackoff became an outstanding surgeon on the staffs of the Evangelical and Lutheran Deaconess Hospitals and practiced in Chicago until 1942, when he and his two brothers enlisted in the Armed Forces; and

Whereas, he joined the U.S. Navy Medical Corps, was assigned to the South Pacific theater and saw combat in the battles for Guadalcanal and the Coral Sea; and

Whereas, he was later assigned to the Seabee unit in Point Barrow, Alaska, the northernmost point in Alaska, which developed the oil reserves in Prudhoe Bay; and

Whereas, Dr. Mackoff reached the rank of Commander in the Navy and returned to private medical practice after World War II. He practiced on the northwest side of Chicago until his retirement in 1961, and then Chicago and Palm Springs, California. He is active in many civic and charitable activities and is recognized as a talented and proficient stone sculptor; and

Whereas, Dr. Mackoff will celebrate his 90th birthday on February 18, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 18, 1997, as DR. SAUL MACKOFF DAY in Illinois.

Issued by the Governor February 7, 1997.

Filed by the Secretary of State February 21, 1997.

97-61

## ANDREA AND HOMER BUTLER DAY

Whereas, Homer Lee Butler and Andrea Joan Reule first met in 1962 at Howard University while training for the Peace Corps; and

Whereas, Homer and Andrea served as Peace Corps volunteers in the African country of Togo from 1962-1964; and

Whereas, Homer worked as Assistant Peace Corps Director in Senegal from 1966-1968 and as Peace Corps Director in Chad from 1966-1968; and

Whereas, Andrea worked as a Peace Corps staff nurse from 1964-1966 in Tanzania and Niger; and

Whereas, Homer and Andrea were married on September 9, 1967, in Garden City, New York; and

Whereas, their first son, Paul Christopher, was born on April 16, 1969; and

Whereas, second son, Jeremy Lee, was born on November 1, 1973; and

Whereas, Homer and Andrea settled in central Illinois more than 25 years ago where they have worked, raised a family and been loved by many, especially their son; and

Whereas, Homer and Andrea Butler will celebrate their 30th anniversary on September 9, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 9, 1997, as ANDREA AND HOMER BUTLER DAY and extend to them sincere congratulations on reaching this milestone.

Issued by the Governor February 10, 1997.

Filed by the Secretary of State February 21, 1997.

97-62

## INDUSTRIAL DISTRIBUTION DAY

Whereas, the American Supply and Machinery Manufacturers' Association and the Industrial Distribution Association have collaborated for more than 90 years to build the industrial distribution channel into the most efficient and cost-effective means of moving products from the manufacturer to the industrial end-user customer; and

Whereas, industrial customers benefit from total lowest costs of procurement, accurate and on-time deliveries, reliable and measurable service, top-line MRO products, local inventory, long-term partnerships, and commitment to service quality, all of which are provided by their industrial distributors; and

Whereas, the American Supply and Machinery Manufacturers' Association and the Industrial Distribution Association seek to foster a true partnership among manufacturers and industrial end-users by cosponsoring International Manufacturing Week, the largest and most comprehensive forum for the display of industry technology in North America; and

Whereas, National Manufacturing Week is to be held at McCormick Place in Chicago on March 10-13, 1997; and

Whereas, representatives from all areas of the manufacturing industry will attend this forum, including division and corporate management, sales and marketing executives, purchasing agents, and key engineering personnel; and

Whereas, more than 2,000 exhibitors will display hundreds of new industrial products, services, and technologies to provide manufacturing

professionals with the newest knowledge and skills; and

Whereas, educational and teaching seminars addressing issues of concern to manufacturing industry professionals will be held in conjunction with the forum;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim, March 11, 1997, as INDUSTRIAL DISTRIBUTION DAY in Illinois in recognition of our state's preeminent role as the center of American manufacturing.

Issued by the Governor February 10, 1997.

Filed by the Secretary of State February 21, 1997.

97-63

## COLUMBIA COLLEGE COMMUNITY SCIENCE FAIR AND FIESTA DAY

Whereas, Columbia College's Institute for Science Education and Science Communication is inviting Chicago public school teachers, administrators, students and parents to its Fourth Annual Community Science Fair and Fiesta at Benito Juarez High School on March 8, 1997; and

Whereas, the Science Fair and Fiesta is the culmination of an academic-year science enhancement workshop attended by community parents and teachers; and

Whereas, the workshop, funded by the Joyce Foundation, is titled with the old African proverb "It Takes a Village to Raise a Child" and is designed and run by faculty and staff from Columbia's Science Institute, using the creative methods of teaching and assessing science they developed over the past 18 years; and

Whereas, teachers and parents from four Chicago public schools meet to learn science-fun, easy-to-do experiments and build their own equipment, including microscopes, knowledge, interest and enthusiasm for science into their homes and classrooms;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 8, 1997, as COLUMBIA COLLEGE COMMUNITY SCIENCE FAIR AND FIESTA DAY in Illinois.

Issued by the Governor February 11, 1997.

Filed by the Secretary of State February 21, 1997.

97-64

## DENTAL ASSISTANTS RECOGNITION WEEK

Whereas, dental assistants play an important part in maintaining the dental health of the citizens of Illinois and the United States; and

Whereas, dental assistants, through their skills and knowledge, make dental care possible for increasing numbers of our citizens; and

Whereas, the American Dental Assistants Association, the national dental assistants' association, has encouraged and is continuing to encourage dental assistants in order to enhance the delivery of dental health care to the public;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 9-15, 1997, as DENTAL ASSISTANTS RECOGNITION WEEK in Illinois.

Issued by the Governor February 11, 1997.

Filed by the Secretary of State February 21, 1997.

97-65

## DYSLEXIA/LEARNING DISABILITY MONTH

Whereas, Dyslexia is a learning disability which affects the ability to read, write and organize thoughts; and

Whereas, one million adults and children throughout Illinois, including 15 percent of all school age children, suffer from dyslexia/learning disabilities; and

Whereas, the Illinois Branch of the Otton Dyslexia Society offers professional development classes in multisensory reading and mathematics, tutor referral directories, quarterly newsletters, seminars and conferences to address the educational needs of this population; and conferences to address the needs of this population; and conferences to address the needs of this population have proven effective to help people deal with and improve their condition;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1997 as DYSLEXIA/LEARNING DISABILITY MONTH in Illinois in honor of their hard work and efforts.

Issued by the Governor February 11, 1997.

Filed by the Secretary of State February 21, 1997.

97-66

## I.O.F. PREVENTION OF CHILD ABUSE WEEK

Whereas, the Independent Order of Foresters, founded in 1874 and dedicated to the preservation of family life is one of the oldest and largest fraternal benefit societies in the world, with more than a million members; and

Whereas, to accomplish one of its major goals of eradicating the blight of child abuse, the Order established its I.O.F. Prevention of the Child Abuse Fund in 1979, which has contributed cash grants to 260 agencies across the U.S. and Canada; and

Whereas, the Independent Order of Foresters' strong commitment to public education includes distribution of a series of informative brochures, booklets and films used widely by schools, clinics, libraries, social service and counseling organizations; and

Whereas, the National Center for the Prevention of Child Abuse estimates that more than 3 million children will be victims of maltreatment this year;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 13-19, 1997, as I.O.F. PREVENTION OF CHILD ABUSE WEEK in Illinois.

Issued by the Governor February 11, 1997.

Filed by the Secretary of State February 21, 1997.

97-67

## ONSITE WASTEWATER PROFESSIONALS WEEK

Whereas, the 24th annual Northern Illinois Onsite Wastewater Conference and Trade Show will be held March 9-15, 1997 and

Whereas, the conference will include many workshops and discussions pertaining to onsite wastewater technology and

Whereas, these educational sessions are beneficial to onsite wastewater professionals; and

Whereas, the onsite wastewater industry has the task of safeguarding the public's health through continued improvement of onsite wastewater practices;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 9-15, 1997, as ONSITE WASTEWATER PROFESSIONALS WEEK in Illinois.

Issued by the Governor February 11, 1997.

Filed by the Secretary of State February 21, 1997.

97-68

## BDO SEIDMAN DAY

Whereas, BDO Seidman, LLP is the U.S. member firm of BDO, the world's seventh largest accounting, tax and consulting organization, serving clients through more than 450 offices in over 80 countries; and

Whereas, BDO Seidman, LLP employs 1,700 partners and staff throughout the United States; and

Whereas, in October 1996, BDO Seidman, LLP restructured its firm from three geographic areas to center around its four functional lines of business; and

Whereas, BDO Seidman, LLP will celebrate the relocation of their executive offices from New York to Chicago with a reception on March 6, 1997, at the Mid America Club;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 6, 1997, as BDO SEIDMAN DAY in Illinois.

Issued by the Governor February 13, 1997.

Filed by the Secretary of State February 21, 1997.

97-69

## GRUNDY COUNTY SOIL AND WATER CONSERVATION DISTRICT DAY

Whereas, the Grundy County Soil and Water Conservation District was formed on January 6, 1947; and

Whereas, the Grundy County Soil and Water Conservation District has been influential in the conservation movement of the area, and has an excellent conservation tillage program; and

Whereas, the Grundy County Soil and Water Conservation District is currently served by Grace Anne Boyle, Administrative Coordinator; Jamie Benson, Resource Conservationist; Paul Youngstrum, District Conservationist; Board Chairperson Andrew Hunt, and Board Members Glen McLuckie, Russell Higgins, Robert Dullard and Terry Segebruch; and

Whereas, the Grundy County Soil and Water Conservation District is celebrating its 50th anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 22, 1997, as GRUNDY COUNTY SOIL AND WATER CONSERVATION DISTRICT DAY in Illinois.

Issued by the Governor February 13, 1997.

Filed by the Secretary of State February 21, 1997.

97-70

## ILLINOIS RIVER SYSTEM MANAGEMENT MONTH

Whereas, the Illinois River System is an integral part of our state's geography, history, economy and ecology; and

Whereas, these values are threatened as a result of the cumulative effects of human activities that have significantly altered the natural hydrological

and biological systems of the Illinois River ecosystem; and  
Whereas, our state should embrace an integrated approach to management for our river; and

Whereas, the implementation of the Illinois River Partnership and Conservation 2000 are important milestones in efforts to protect the resources of the Illinois River; and

Whereas, the 1997 Conference on the Management of the Illinois River System is October 7-9, 1997, at the Holiday Inn City Centre in Peoria;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1997 as ILLINOIS RIVER SYSTEM MANAGEMENT MONTH in Illinois and urge all citizens, businesses, economic, recreational, social and environmental responsibilities to have to conserve and properly utilize the resources of the Illinois River Basin.

Issued by the Governor February 13, 1997.

Filed by the Secretary of State February 21, 1997.

## 97-71

## LOUISE BURT DAY

Whereas, Louise Burt has been an employee of the Illinois Industrial Commission since March 16, 1936, and;

Whereas, Louise has given more than 40 years of dedicated and loyal service; and

Whereas, Louise Burt has always assisted the injured workers, employers and attorneys of Illinois, thereby fulfilling the mandates of the Industrial Commission;

Whereas, Louise Burt has served the Commission in various capacities throughout her tenure, thus enabling her to better serve the citizens of Illinois with increased knowledge;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 21, 1997, as LOUISE BURT DAY in Illinois.

Issued by the Governor February 13, 1997.

Filed by the Secretary of State February 21, 1997.

## 97-72

## TREE CITY USA MONTH

Whereas, the perpetuation of healthy urban and community forest resources contributes to healthy cities and communities; and  
Whereas, the citizens of Illinois and around Illinois communities are important to the citizens of Illinois; and

Whereas, 29 Illinois municipalities received Urban Forestry Assistance Act Grants for the establishment and enhancement of community forestry efforts; and

Whereas, the Tree City USA program is sponsored by the National Arbor Day Foundation, in cooperation with the U.S. Forest Service and the National Association of State Foresters. Tree City USA recognizes communities that effectively manage their public tree resources and;

Whereas, over 135 Illinois communities have qualified as Tree City USA Communities and have made significant contributions toward improving the state's forest resources; and

Whereas, Illinois has National Arbor Day Foundation's "GROWTH AWARD" for innovation from the National Arbor Day Foundation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1997 as TREE CITY USA MONTH in Illinois.

Issued by the Governor February 13, 1997.

Filed by the Secretary of State February 21, 1997.

## 97-73

## DENIM DAY

Whereas, since 1947 the Illinois Easter Seals Society has served the Sangamon County area as well as 44 other Illinois counties; and  
Whereas, the Illinois Easter Seals Society is a charitable organization helping disabled children and adults with disabilities gain maximum independence; and

Whereas, the 1997 Easter Seals Telethon will air Sunday, April 20; and  
Whereas, to help promote and involve individuals in the telethon, the society will observe April 4, 1997, as "Denim Day"; and

Whereas, on Denim Day individuals are encouraged to wear blue jeans to work in exchange for a one dollar contribution to the Easter Seal Society;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 4, 1997, as DENIM DAY in Illinois.

Issued by the Governor February 14, 1997.

Filed by the Secretary of State February 21, 1997.

## 97-74

## EARLY INTERVENTION MONTH/LOOK WHAT I CAN DO WEEK

Whereas, early intervention services exist for children up to 3 years of age who may have been or are currently at risk of disabilities, developmental delays or at-risk conditions; and

Whereas, there is a statewide, family-centered early intervention services system in place established with the assistance of the Illinois Interagency Council on Early Intervention to help eligible children who are in need of early intervention services; and

Whereas, Look What I Can Do is a public awareness campaign designed to educate families, policymakers, health care and child care professionals about the importance of reaching children early with the services essential to their growth and development; and

Whereas, this is a proactive campaign emphasizing the importance of early intervention for all children at risk and is a coordinated effort at both the State and local levels to create a unified message; and  
Whereas, the Illinois State Board of Education, in launching an in-depth campaign, believes that the Illinois State Board of Education to make the awareness campaign a success; and  
Whereas, this campaign should be commended and embraced for its potential success;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1997 as EARLY INTERVENTION MONTH and April 1-7, 1997, as LOOK WHAT I CAN DO WEEK in Illinois.

Issued by the Governor February 14, 1997.

Filed by the Secretary of State February 21, 1997.

## 97-75

## GIRL SCOUTS DAY

Whereas, March 12, 1997, marks the 85th anniversary of Girl Scouts of the U.S.A., founded by Juliette Gordon Low on March 12, 1912, in Savannah, Georgia;

Whereas, throughout its 85-year history, Girl Scouting has inspired millions of girls and women with the highest ideals of character, conduct and patriotism; and

Whereas, each day, through anti-violence projects, Girl Scouting ensures that girls at risk of living lives of crime are instead being given safe and productive paths for growing up; and

Whereas, through the Girl Scout program, girls learn of their importance in the world and their duty to the world around them; and

Whereas, 50 million women have reaped the benefits of their experience as former Girl Scouts and now commit themselves to support today's girls; and

Whereas, more than 150,000 Girl Scouts in the State of Illinois join some 2 million sister Girl Scouts nationwide to celebrate 85 years of an American tradition;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 12, 1997, as GIRL SCOUTS DAY in Illinois.

Issued by the Governor February 14, 1997.

Filed by the Secretary of State February 21, 1997.

## 97-76

## NEW DIRECTION YOUTH CHOIR DAY

Whereas, the New Direction Youth Choir is a Chicago-based organization of 40 members between the ages of 11 and 19; and

Whereas, the New Direction Youth Choir was established for the purpose of providing young people the opportunity to develop their musical talents and gain experience in the gospel music industry; and

Whereas, the New Direction Youth Choir recorded "Youth in Groove" in May 1995; and

Whereas, the New Direction Youth Choir received the 1996 ECC Music Workshop Founders Award;

Whereas, the New Direction Youth Choir will celebrate its second anniversary on February 28, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 28, 1997, as NEW DIRECTION YOUTH CHOIR DAY in Illinois.

Issued by the Governor February 14, 1997.

Filed by the Secretary of State February 21, 1997.

## 97-77

## PROFESSIONAL SOCIAL WORK MONTH

Whereas, professional social workers support an inclusive society in which differences of race, ethnicity, national origin, sexual orientation and gender are valued and respected; and

Whereas, the social work profession considers diversity to be one of this country's strengths to be celebrated, and racial and ethnic harmony a goal to strive for; and

Whereas, social workers know that everyone loses when people distrust and fear one another; and

Whereas, social workers see firsthand the insidious effects of racism, hatred and prejudice on individuals, families and communities; and

Whereas, social workers believe society must strive to eliminate deeply-rooted forces of racism and prejudice; and

Whereas, social workers possess the skills to help people solve problems and settle differences that can arise in a multi-racial, multi-ethnic society;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1997 as PROFESSIONAL SOCIAL WORK MONTH in Illinois.

Issued by the Governor February 14, 1997.

Filed by the Secretary of State February 21, 1997.

## 97-78

## WOMEN'S HISTORY MONTH

Whereas, women's history is filled with women whose lives and work have transformed American communities and the ideas of their day; and

Whereas, women's history is also about numerous women who have lived their lives, quietly, at the center of their families; and

Whereas, women's history is about the many faiths, aspirations, and beliefs, contributing significantly to our society; and

Whereas, celebrating women's lives--full of courage, caring and accomplishments--is valuable for us all; and

Whereas, the theme for this year's celebration is "A Fine and Long Tradition of Community Leadership;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1997 as WOMEN'S HISTORY MONTH in Illinois.

Issued by the Governor February 14, 1997.

Filed by the Secretary of State February 21, 1997.

## 97-79

## BLUE RIBBON WEEK

Whereas, child abuse is a serious and growing problem affecting more than 3.1 million of our nation's children annually; and

Whereas, this social malignancy called child abuse respects no racial, religious, ethnic, and geographic boundaries, and in fact, has been declared a national emergency; and

Whereas, there is an evident need to educate our communities of the problem of child abuse and to address this issue, The National Exchange Club and The National Exchange Club Foundation for the Prevention of Child Abuse have developed a Quarters for Kids Blue Ribbon Campaign. Exchange Club members are distributing blue ribbon pins to the general public as a symbol and reminder to us all that child abuse is a tragedy which affects each and every one of us;

and

Whereas, all citizens of Illinois should become more aware of child abuse and its prevention within their respective communities, and become involved in supporting parents to raise their children in a safe, nurturing environment;

and

Whereas, The National Exchange Club is an all-volunteer service organization, comprised of 1,000 Exchange Clubs throughout the United States

and Puerto Rico, with 34,000 men and women all dedicated to making America a better place to live through a variety of community service projects, and One national project, the Prevention of Child Abuse; and

Whereas, the National Exchange Club Foundation for the Prevention of Child Abuse was organized to help thousands of families and children eliminate child abuse from their daily lives; Governor of the State of Illinois, proclaim April 1-7, 1997, BLUE RIBBON WEEK in Illinois.

Issued by the Governor February 18, 1997.

Filed by the Secretary of State February 21, 1997.

#### 97-80

#### ILLINOIS HOSPITAL & HEALTHSYSTEMS ASSOCIATION EXECUTIVE SECRETARIES DAY

Whereas, the Illinois Hospital & HealthSystems Association Executive Secretaries Society (IHHAESS) was established in 1976; and

Whereas, the Society has 107 members throughout the State of Illinois at Illinois Hospital & HealthSystems Association membership institutions; and

Whereas, the purpose of the IHHAESS is to help the hospital executive secretaries better understand and appreciate the issues and challenges facing the health care field in Illinois; and

Whereas, the IHHAESS has resources readily available to assist the Chief Executive Officers and Chief Nurse Executives with contacting member hospitals; and

Whereas, the IHHAESS will celebrate its 21st anniversary April 21-25, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 21-25, 1997, as ILLINOIS HOSPITAL & HEALTHSYSTEMS ASSOCIATION EXECUTIVE SECRETARIES DAY in Illinois.

Issued by the Governor February 18, 1997.

Filed by the Secretary of State February 21, 1997.

#### 97-81

#### MEDICAL LABORATORY WEEK

Whereas, professionals who practice in the medical laboratory include pathologists, medical technologists, cytotechnologists, histotechnologists, medical laboratory technicians, histologic technicians and phlebotomists; and

Whereas, medical laboratory professionals are invaluable members of the patient's health care team who perform and evaluate medical laboratory tests to detect, diagnose, monitor treatment and help prevent diseases, thus saving countless lives each day; and

Whereas, their dedication to quality medical testing and exceptional patient care is demonstrated daily in thousands of laboratories; and

Whereas, laboratory medicine is an honorable profession, vital to sustaining a high standard of health care;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 18-24, 1997, as MEDICAL LABORATORY WEEK in Illinois.

Issued by the Governor February 18, 1997.

Filed by the Secretary of State February 21, 1997.

#### 97-82

#### NUTRITION MONTH

Whereas, the Illinois Department of Public Health, along with nutrition professionals throughout Illinois and the United States, is promoting good nutrition; and there is a need to encourage our citizens to practice sound eating habits throughout the year in order to help them avoid the risk of becoming obese; more than 25 percent of Illinoisans are at risk because of obesity, nearly 23 percent consume a high-fat diet, and only 17 percent eat the recommended five or more servings of fruits and vegetables a day; and

Whereas, in keeping with the theme of the national observance, "All Foods Can Fit," all Illinoisans should become aware of the importance of proper nutrition;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1997 as NUTRITION MONTH in Illinois.

Issued by the Governor February 18, 1997.

Filed by the Secretary of State February 21, 1997.

#### 97-83

#### SURGICAL TECHNOLOGISTS WEEK

Whereas, the Association of Surgical Technologists was founded in 1969 and has more than 18,000 members worldwide; and

Whereas, the Association of Surgical Technologists is committed to promote a high standard of surgical technology performance in the community for quality patient care; and

Whereas, the surgical technologist is a health care professional who has completed an education to perform specialized duties during surgical procedures; and

Whereas, surgical technologists are knowledgeable in many areas that affect a surgical procedure, anticipate the instrument needs of the surgeon, have an understanding of the procedure being performed, and are constantly on vigil to ensure quality patient care; and

Whereas, the job of the surgical technologist is of great importance to the doctor, patient, and the community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 18-24, 1997, as SURGICAL TECHNOLOGISTS WEEK in Illinois.

Issued by the Governor February 18, 1997.

Filed by the Secretary of State February 21, 1997.

Rules acted upon during the quarter of January 1 through March 31, 1997 are listed in the Issues Index by Title number, Part number and Issue number. For example, 5011, Adm. Code 4401 published in Issue 40 will be listed as 50-4401-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jraiale@sgate.sos.state.il.us (Internet address).

## PROPOSED

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8-270-4	35-2790-7	89-121-9	50-6301-6	77-515-7
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